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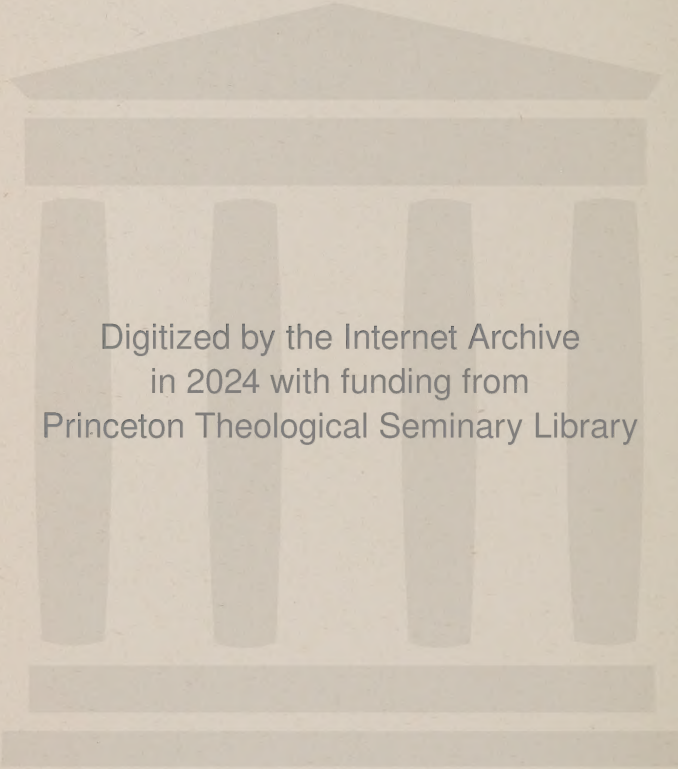
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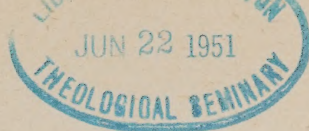


**THE HISTORY OF PUBLIC  
EDUCATION IN UTAH**



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# THE HISTORY OF PUBLIC EDUCATION IN UTAH

By

JOHN CLIFTON MOFFITT, PH.D

*Superintendent of Provo City Schools*



1946

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## PREFACE

One of the unique characteristics of the American public schools is the manner in which the several state school systems have emerged without any specific pattern to follow or any centralized governmental agency to give direction. While the educational leaders and law-making bodies have tended to look backward to the practices which have gone before, none have followed established customs so closely that any of the over-all state plans are like those of any other state. The American schools are, and have always been, an expression of the economic and social culture in which they exist. As the socio-economy changes, the schools change. Currently they are as unlike the schools of a century ago as our present pattern of complex economics is different from the rural land-ownership estates of the receding frontier and the social customs of that time.

Historically, the schools of Utah, therefore, have been different from those of any other part of the nation because of the unusual history of this state. The ideals of the founders, the hardships the settlers encountered, the ability to live and work cooperatively together by those who established community life, the homogeneity of religious thought common to all who came for theological purposes, largely determined the direction of the expanding education for decades of time.

Relatively little research and investigation of Utah's schools of the past has been undertaken. During the last thirty years the pattern of organization for administrative purposes has become widely known as a result of county consolidation of schools, and recent studies have tended to trace the growth of this phase of education as well as to analyze and evaluate the administration in these local school units. Other studies, some made by students within the state and some by educational commissions from outside of Utah, have been both analytical and descriptive of the existing procedures. These, and a number of theses written for the master's degree in which some single segment of education is studied, largely comprise the body of available literature within this field.

Although many of the earlier documents that would reveal information on this topic are now lost, source materials for investigation are abundant. Believing that such materials would

add to the authenticity without detracting from the readability of this book, the author has drawn extensively from these sources as a part of the context.

While the practice of certification requirements—insisting that teachers and others in public service have training in this particular field of study—has partially stimulated the research, it is believed that a wide interest in the historical culture of Utah has emerged; the writer has therefore kept this in mind in an attempt to meet this need of adult readers.

J. C. Moffitt



## ACKNOWLEDGEMENTS

Grateful acknowledgement is made to the people who have so abundantly aided in the preparation of this book. The Provo City Board of Education has given continuous encouragement, maintaining as it does that it is both the privilege and obligation of public school administrative units to perpetuate research studies.

The numerous documents examined in the investigation are found in several research centers. The libraries and librarians of the Latter-day Saint Church in Salt Lake City, the Utah Historical Society, the State Court Library, the University of Utah Library, and the Brigham Young University Library have been particularly helpful. To these institutions and to the librarians who have cheerfully assisted in making the records available, the author expresses sincere appreciation.

J. C. M.





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# THE HISTORY OF PUBLIC EDUCATION IN UTAH

## CHAPTER I

### THE INFLUENCE OF RELIGION ON EDUCATION IN UTAH

#### THE INFLUENCE OF RELIGION ON EDUCATION ANTEDATING UTAH HISTORY

*The need for education in early Mormon history.*—Slightly more than seventeen years before the first settlers arrived in the Great Basin valleys, Mormonism came into existence when a small group of people organized themselves into a religious association. Within a short period of time these adherents to the new church began assembling together in the small community of Kirtland, Ohio. This was the first in a series of several “gathering” places where community life was established under the leadership of the Mormon Church. Two problems immediately confronted these church leaders: first, it was desirable from their standpoint to increase the number of converts to the new religion; and second, it was necessary that the membership be taught the tenets of the creed. The most logical way to solve these problems and attain the objectives was to establish schools and provide theological instruction for those who were converts to the church, as well as those who were to serve as ministers or missionaries in the proselytizing plan.

The church founder, Joseph Smith, rightly recognized the need for education in the solution of the problems ahead, and utilized the claim of receiving divine revelation in admonishing the membership in the ideals of learning. The disciples were urged to “Teach ye diligently. . . . that you may be instructed. . . . in all things. . . . that are expedient for you to understand.”<sup>1</sup> They

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<sup>1</sup>Doctrines and Covenants, sec. 88-78.

were likewise commanded to "establish. . . a house of prayer [and] . . . a house of learning. . . ."<sup>2</sup>

*Schools at Kirtland, Ohio.*—Working committees composed of influential men were organized and solicitation was made among the church members for assistance—either in work or money or both—in the erection of the Kirtland Temple. This became the edifice that housed many of the religious activities of the church leaders, and the school where these men learned the new theology and pursued other intellectual interests thought to increase their ability and usefulness in the perpetuation and extension of the church. This seminary of learning was known as "the school of the prophets." It began in January, 1833, and the first term continued until the latter part of April of that year. The coordinated plan of "learning-proselyting" was one that provided for the "elders" to spend the summer months in preaching to possible church converts residing in communities elsewhere, and then to return to Kirtland for study during the winter months. These emissaries of a new religion were evidently enthusiastic in their pursuit for knowledge, but special emphasis was placed on theology and the acquisition of an ability to speak convincingly. Source materials indicate that stress was placed upon English grammar.<sup>3</sup>

Among the subject-matter areas to which the church leaders devoted themselves were Hebrew, Greek, and Latin languages. For the purpose of instruction in Hebrew, one Joshua Seixas was employed and brought to Kirtland. Joseph Smith, the leading character in Mormon history, made almost daily entries in his diary over several months of time indicating his personal pleasure in the study of Hebrew. Typical among his recordings is the following:

Attended the school, and read and translated with my class as usual. My soul delights in reading the word of the Lord in the original, and I am determined to pursue the study of the languages until I shall become master of them, if I am permitted to live long enough. At any rate, so long as I do live, I am determined to make this my object; and with the blessing of God I shall succeed to my satisfaction.<sup>4</sup>

Within a very few days after Mr. Seixas began his original class of Hebrew, "another class of thirty" was organized to accommodate the continuously growing number of students. This

<sup>2</sup>*Ibid.*

<sup>3</sup>*Journal of History*, MS, Latter-day Saint Church Library, Salt Lake City, Utah, January, 1833.

<sup>4</sup>*Millennial Star*, Vol. XV, p. 645.

growth in school membership presented a problem of some magnitude for the Kirtland "school committee," due to the lack of books and space for the classrooms. The general growth and interest in education as it emerged at Kirtland is described by Joseph Smith:

During the week the "Kirtland High School" is taught in the attic story, by H. M. Haws, Esq., professor of the Greek and Latin language. The school numbers from one hundred and Thirty-Five to one hundred and forty students, divided into three departments—classic, where the languages only are taught; the English department, where mathematics, common arithmetic, geography, English Grammar, writing, and reading are taught; and the juvenile department, the last two having each an assistant instructor. The school commenced in November, and on the first Wednesday in January the several classes passed a public examination in the presence of the trustees of the school, parents, and guardians, and their progress in study was found of the highest order.<sup>5</sup>

In an analysis of the educational program of any one area of the country or small unit of people, it is necessary to keep in mind the general quality of education that was most common at the time. During the early Kirtland history education in the United States was at best at an extremely low ebb when compared with that of today. The first public high school began in Boston in 1820, which was slightly more than ten years before the time of this first educational endeavor of the Mormons. The first high school admitting girls was only five years old. Twenty years had passed since the first state superintendent was appointed, but this practice had not become common; and outside of a few centers, outstanding educational leadership did not exist. The first teacher-training institutions were as yet unborn. Significant schoolhouse planning came a decade later, and only a few individuals with great vision were thinking of gradation of schools. In spite of the fact that Kirtland was on the frontier her schools were not retarded, even though parents and children attended the same school and frequently learned the rudiments of education from the same "readers." The lack of gradation, coupled with the popularity of the educational quest, may be noted from a statement the historian Andrew Jensen has used, written by William E. McLellin, a teacher of that time:

When the school first commenced, we received into it both large and small; but in about three weeks the classes became so large, and the house so

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<sup>5</sup>*Journal of History*, MS, Latter-day Saint Church Library, Salt Lake City, Utah, January 1, 1837.



crowded, that it was thought advisable to dismiss all the small students, and continue those only who wished to study the sciences of penmanship, arithmetic, English grammar and geography. Before we dismissed the small scholars, there were in all about one hundred and thirty who attended, since that time there have been upon an average, about one hundred.<sup>6</sup>

From an early date the Mormon leaders capitalized upon education as a method of directing the theological thought of the membership, and began at once to prepare schools for children as well as adults. Necessary as it was for the elders to qualify themselves to proselyte, it was obvious that it would have been a gross error on the part of the leadership had the children been neglected. As early as June, 1831, Joseph Smith declared the reception of a divine revelation, inviting William W. Phelps to work with Oliver Cowdery on a specific educational mission. The command states: "And again, you shall be ordained to assist my servant Oliver Cowdery to do the work of printing and selecting, and writing books for schools in the church, that little children also may receive instruction before me as is pleasing unto me."<sup>7</sup>

Moreover, the church required parents to teach their children certain theological concepts at an early age and prescribed rewards and penalties for so doing. Within the commonly taught doctrine, certain ideals of education were given that were associated with divine injunction. Among these were such as the following:

Seek not for riches but for wisdom.<sup>8</sup>

Seek ye diligently and teach one another words of wisdom; yea, seek ye out of the best books words of wisdom: Seek learning even by study. . . .<sup>9</sup>

The glory of God is intelligence.<sup>10</sup>

Whatever principles of intelligence we attain unto in this life, it will rise with us in the resurrection;

And if a person gains more knowledge and intelligence in this life through diligence and obedience than another, he will have so much the advantage in the world to come.<sup>11</sup>

It is impossible for a man to be saved in ignorance.<sup>12</sup>

These religious ideals served as a strong motivation to the church membership in seeking an education, and have influenced their behavior throughout educational history.

<sup>6</sup>Andrew Jensen, *Historical Record*, Vol. VII, p. 418.

<sup>7</sup>*Doctrine and Covenants*, sec. 55:4.

<sup>8</sup>*Doctrine and Covenants*, sec. 11:7

<sup>9</sup>*Ibid.*, sec. 88:118.

<sup>10</sup>*Ibid.*, sec. 93:36.

<sup>11</sup>*Ibid.*, sec. 130:18, 19.

<sup>12</sup>*Ibid.*, sec. 131:6.

*Educational efforts in Missouri.*—Kirtland remained the headquarters of the Mormon Church for only a short period of time. In 1831 the prophet and leader selected Jackson County, Missouri, as the gathering place of the saints, and within a few months caravans of his followers began the trek into that state. In spite of the fact that in Missouri extreme persecution became the common lot of all, the Mormons began the establishment of schools as a distinguishing characteristic of their community life.

Jackson County was the gathering place of these religionists for only a short time, for soon they were driven to other locations. They enjoyed a temporary haven of rest at Far West, Caldwell County, Missouri. Their indomitable determination to establish schools in spite of the hardships they encountered may be noted by the fact that while they were at Far West, they again planned an elaborate program of education. The close connection between their religion and education and their plan of building to accommodate both is shown in the oration of Sidney Rigdon, one of the high officials of the church, delivered on July 4, 1838. On that occasion the people assembled to hear the plans of their leaders concerning the erection of a temple—a structure that was designed to serve the dual purpose of education and worship. A portion of the oration follows:

In assembling on this occasion our object is, not only to comply with the custom of our nation in celebrating the birthday of our liberties; but also to lay the corner stones of the edifice, about to be built in this place in honor of our God. . . . and . . . we do . . . rear this building to his name, designed, for the double purpose, of a house of worship and an institution of learning. The first floor will be for sacred devotion, and the two others, for the purpose of education. The building to be one hundred and ten feet by eighty, with three floors, and not far from thirty feet between the floors; all to be finished, according to the best stile of such buildings in our country. The entire expence, calculated at not far from one hundred thousand dollars: all when finished to stand as a monument of the power of union of effort and concert of action.

Next to the worship of our God, we esteem the education of our children and of the rising generation. For what is wealth without society or society without intelligence. And how is intelligence to be obtained?—by education. . . . What is religion without intelligence? an empty soul. Intelligence is the root, from which all time enjoyments flow. Intelligence is religion, and religion is intelligence, if it is anything. . . . We have assembled ourselves together in this remote land, to prepare for that which is coming on the earth, and we have this day laid the corner stones of this temple of God, and design, with as little delay as possible, to complete it, and to rear up to the name of our God in this city 'Far West,' a house which shall be a house of

prayer, a house of learning, a house of order, and a house of God; where all the sciences, languages, etc., which are taught in our country, in schools of the highest order, shall be taught. And the object is to have it on a plan accessible to all classes, the poor, as well as the rich, that all persons in our midst, may have an opportunity to educate their children, both male and female, to any extent they please. So that all the talents in our midst, may be called forth, in order that we may avail ourselves, of all the means of God put into our hands, and put it into the power of all, to deliver themselves, from the impositions, and frauds, which are practicing upon the more illiterate part of the community, by those who have had superior advantages, or as far, at least, as learning can go to obtain this object.

One part of the house shall be set apart for a place of worship, where we shall invoke our God for revelations, when we have gone as far as human learning can carry us, that by revelations, visions, etc., we may fill the vacuum still left, after science and philosophy have done all they can do. So that we may have that understanding, and that wisdom which brings salvation, and that knowledge which is unto eternal life.<sup>13</sup>

Some of the Mormons kept diaries during the interim of their pilgrimages in Missouri and Illinois. These contain a number of references depicting their efforts to attain a reasonable status of education. An example may be noted in the case of Samuel Miles, first a student and then a teacher in the vicinity of Nauvoo, and years afterwards taught in different communities in Utah. Miles was at Far West and recorded the following:

Many of our leading men were taken and cast into prison while we were forced to yield our possessions and promise to leave the state by the coming spring. I attended school in Far West during the winter, taught by Erastus Snow and thus had the privilege of associating with the young of many of our prominent leaders<sup>14</sup>

Miles declares that he and his younger brother and sister attended school in Lima, where some of the saints found temporary homes.<sup>15</sup>

Those who refused to permit the Mormons to remain long enough at any one time to establish a permanent community in Missouri admitted that many of these greatly disliked people were educated. In his description of these migrating folk one historian said, "There are also many of education and accomplishment. School teachers were plenty and schools were numerous."<sup>16</sup>

<sup>13</sup>Sidney Rigdon, "Oration" delivered July 4, 1838, at Far West, Caldwell County, Missouri. On file at Chicago Historical Library.

<sup>14</sup>Samuel Miles, *Diary*, p. 7. Copy on file at the Utah Historical Society and copied by the Works Progress Administration, Writers' League.

<sup>15</sup>*Ibid.*, p. 8.

<sup>16</sup>*History of the Reorganized Latterday Saint Church*, Vol. II. (Quoted from History of Caldwell County, pp. 118-119.)

## ATTEMPTS TO ESTABLISH SCHOOLS AT NAUVOO AND EN ROUTE WESTWARD

*The Nauvoo Charter and education.*—After a number of attempts to establish permanent homes in Missouri, the Mormons went to Nauvoo, Illinois. They were enabled to build a city of some merit and distinction there and developed a unique community life which provided for a system of education, including a university. The Nauvoo Charter, famous for the power it afforded the leaders of the city government, granted the right to establish the University of the City of Nauvoo. This was both an educational institution and an organization used to administer and supervise all education within the Mormon domain. Section 24 of the Charter states:

The city council may establish and organize an institution of learning within the limits of the city for the teaching of the arts, sciences and learned professions to be called the 'University of th City of Nauvoo,' which institution shall be under the control and management of a board of trustees, consisting of a chancellor, registrar, and twenty-three regents, which board shall thereafter be a body corporate and politic, with perpetual succession, by the name of the 'Chancellor and Regents of the University of the City of Nauvoo' and shall have full power to pass, ordain, establish, and execute all such laws and ordinances as they may consider necessary for the welfare and prosperity of said University, its officers and students: Provided, That said laws and ordinances shall not be repugnant to the Constitution of the United States or of this State and Provided, also That the trustees shall at all time be appointed by the city council and shall have all the powers and privileges for the advancement of the cause of education which appertain to the trustees of any other college or university of this state.<sup>17</sup>

It is doubly significant that in a city with highly centralized control through the theocratic form of government, this university, which was more than an institution of learning, was initiated. The inauguration of the university was fundamentally the establishment of authority "with perpetual succession" among members of the church, to administer and approve all education within the "city of the saints." It was not only important that those who had church affiliation should be provided with general education, but the leadership, naturally, was interested in the content of the subject-matter taught. Some of the leaders who had affiliation with the university initiated their own schools. Orson Pratt, perhaps, was best known among these. An advertisement in the *Wasp*, dated September 24, 1842, states:

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<sup>17</sup>*Nauvoo Charter*, Section 24. May be found in Joseph Smith's History of the Church of Jesus Christ of Latter Day Saints, Period I.



Orson Pratt, professor of Mathematics and English Literature, in the University of the City of Nauvoo, most respectfully announces to the gentlemen and ladies of this city and vicinity, that he will commence his regular course of instruction in the various branches of education pertaining to the Department over which he has supervision, on Monday, the 26th day of September, A.D., 1842, at a building situated a few rods north of the temple.

Tuition per qu.

For Reading and Writing	\$ 2.50
For Geography, Grammar and Arithmetic	3.00
For Philosophy, Chemistry, Astronomy, Algebra, Geometry, Conic Sections, Plane Trigonometry, Mensuration, Surveying, and Navigation	5.00
For Analytical Plane and Spherical Trigonometry, and Analytical Geometry	7.50
And for the Study of the Differential and Integral Calculus	10.00 <sup>18</sup>

Apparently all formal instruction was not limited to those who had affiliation with the university organization as officials, for a number of residents conducted their own schools. For example, Joseph N. Cole, and Adelia Cole frequently had advertisements in the *Nauvoo Neighbor* describing their classes. One of these signed by the above instructors is as follows:

Terms of Tuition:

Reading, writing and spelling	\$2.00
English grammar and geography	2.50
Chemistry and Natural Philosophy	3.00
Astronomy	4.00

A quarter will consist of twelve weeks or sixty-five days.

The strictest attention will be given to the improvement of the morals of all, and especially those of females.<sup>19</sup>

The unusual history of the Mormons before, after, and during Nauvoo history is another story; but the fact does need emphasis that during all of their many community and church troubles, they heroically attempted to provide methods of educating their people. The year of 1845 was a critical year for these religious people: their prophet and other prominent men of their church-city had been killed; many were confused in their efforts to determine the correct leadership of the church; plans were at that time being made for the great migration westward; the completion of their temple was an overwhelming task, but one that they devoted themselves to without stint or hesitation. Yet in the midst of all of

<sup>18</sup>*The Wasp*, (Published at Nauvoo, Illinois) September 24, 1842.

<sup>19</sup>*Nauvoo Neighbor*, August 2, 1843.

their strife, schools continued to operate and additional plans for their future education were in the process of developing. Norton Jacob records in his diary that among the important appointments at the October church conference in 1845 was that of "Wm. W. Phelps [a man who played a major role in education in early Mormon history] to write six school books for the instruction of the children."<sup>20</sup>

*Schools established en route to Utah.*—During the early part of the year of 1846, the Mormons began leaving Nauvoo for the Rocky Mountains. Obstacles prevented a reasonably continuous journey and camps were made en route where community life was established. The most permanent of these establishments was at Council Bluffs on the Missouri River. The entire socio-economy at this place was under the supervision and direction of the church council, with Brigham Young acting as the chief individual in the ecclesiastical organization. In his elaborate diary, Hosea Stout reports that on December 13, 1846, President Young gave some explicit instructions to the bishops and demanded that they be complied with at once. Among the edicts was one directing them to provide schools in each of the wards.<sup>21</sup> The bishops acceded to Brigham Young's orders and the church chronology enumerating the events of that time states: "Several schools for children have been started in camp within the last ten days."<sup>22</sup>

The zealous determination that characterized some of the pioneers as they wandered from place to place in their efforts to provide a means of education for the children is admirable. For example, following the death of George Albert Smith, the territorial legislature appointed a committee to write a statement of respect to the family of this ardent advocate of education. In part, the committee, consisting of Moses Thatcher, Erastus Snow, and Wilford Woodruff, said:

He was ever particularly interested in the subject of education, wherein he exhibited a strikingly practical and admirable trait of his character, as an evidence of which, in 1846, when our people were driven from their homes and were journeying towards the setting sun, it was his almost constant endeavor to organize for the young, a system of common school education, in which he succeeded admirably, and nightly around the camp fires of the weary exiles, was heard his cheering voice calling the children to come with their books, and recite what they had learned during the day's journey. . . .<sup>23</sup>

<sup>20</sup>*The Life of Norton Jacob*, Copy in the office of the Utah Historical Society, by courtesy of the Works Progress Administration Writers' League.

<sup>21</sup>Hosea Stout, *Diary*, Copy in the Brigham Young University Library.

<sup>22</sup>*Journal of History*, December, 1846.

<sup>23</sup>*Journal of the Legislative Assembly of the Territory of Utah, For the Year 1876*, p. 65.

*Church leadership interested in education.*—The admonitions of Brigham Young wielded a great influence on the educational ideals and behavior of the pioneers as they trudged over plain and mountain to the valleys of the Great Basin. His was the voice of the church. No segregation was made in his administration of civil, political, religious, or educational problems. His interest was the well-being of the church membership and to have the saints become a "mighty people in the Rocky Mountains." To attain this he believed the people must be educated. Without exception they were to learn the doctrine of the church, but the education he proposed was broader than pure theological indoctrination. In an epistle to the church from the council of the twelve apostles, and signed by Brigham Young as president and Willard Richards, clerk, these church leaders admonished parents to teach their children and cautioned them that salvation could be attained no other way. Recognizing the problem of providing a broad education in the new colonies, these men said:

It is very desirable that all the Saints should improve every opportunity of securing at least a copy of every valuable treatise on education—every book, map, chart, or diagram that may contain interesting, useful, and attractive matter, to gain the attention of children, and cause them to love to learn to read; and, also every historical, mathematical, philosophical, geographical, geological, astronomical, scientific, practical, and all other variety of useful and interesting writings, maps, &c., to present to the General Church recorder, when they shall arrive at their destination, from which important and interesting matter may be gleaned to compile the most valuable works, on every science and subject, for the benefit of the rising generation.<sup>24</sup>

In addition, the westward home-seekers were asked for all things in art and science or things of a philosophical value that "can be gathered and brought to the valley, where, and from which, the rising generation can receive instruction. . . ."<sup>25</sup>

#### CHURCH INFLUENCE AND THE FIRST UTAH SCHOOLS

*Private instruction schools.*—The Mormons arrived in Salt Lake Valley in mid-summer, 1847, and schools were established during that first season. In the initial stages these were but temporary plans of providing a very elementary form of education and some religious instruction. The *Deseret News* contains numerous accounts of the schools that were operated during the first years

<sup>24</sup>*Millennial Star*, Vol. X, March 15, 1848, p. 85.

<sup>25</sup>*ibid.*

following the arrival of the pioneers. Customarily, these were schools directed by some member of the church who was willing to sell his services for a small sum of money or valley produce in order that the children, particularly, might learn the elements of an education. Mormon theology permeated all of these first schools.

*Community schools.*—One of the distinct characteristics of the Mormon method of colonization was their village life. This usually centered about a public building (public, because of the fact that all had helped to construct it) that was used for manifold purposes. This custom continued for many years. As late as 1868 the territorial superintendent of schools declared that “nearly all the school houses in this Territory have been built by the voluntary liberal donation of the citizens. . . .”<sup>26</sup> These were school-houses during the week and church edifices on the sabbath day. They were the structures referred to by Brigham Young, Heber C. Kimball, and Willard Richards, serving as the presidency of the church, when they wrote in their epistle to the members on April 7, 1851, “School houses have been built in most of the wards, both in the city and country, and schools have been sustained therein the past winter, and we joyfully anticipate that the time has arrived when our children may be partakers of the blessings of constantly continued schools in their several wards.”<sup>27</sup>

It was this combination of education and religion that existed, not only in Salt Lake Valley, but in Farmington, in Provo, Manti, the communities of Cache and Box Elder counties, of Tooele, the southern settlements, and all other places where the Mormon colonies were established. In her *Early History of Mt. Pleasant*, Hilda Madsen Longsdorf describes the school building of that frontier colony as being constructed from logs (this was the common structure in almost all of the settlements), and as being 20 by 30 feet and situated at the mid-point of the fort.<sup>28</sup> The extensive use to which these first structures were put is noted by Hamilton Gardner in his *History of Lehi*. Mr. Gardner declares the first school building at that place was erected from logs and was 18 by 24 feet in size. He describes it as being more than a school, inasmuch as it served as “meeting house, city hall, ball room, theatre, and the gathering place for assemblies of all kinds.”<sup>29</sup>

<sup>26</sup>Robert L. Campbell, *Territorial School Report*, 1867.

<sup>27</sup>Brigham Young, Heber C. Kimball, and Willard Richards, “Epistle to the Church Members,” *Millennial Star*, Vol. XII, p. 213.

<sup>28</sup>Hilda Madsen Longsdorf, *Early History of Mt. Pleasant*, Mt. Pleasant, Utah, 1939, p. 62.

<sup>29</sup>Hamilton Gardner, *History of Lehi*, 1913, pp. 94-95.



This cooperative utilization of one public building is well described, also, by Isaac Higbee, one of the leading men of the Provo colony. Mr. Higbee said:

We have no time nor place for dancing at present. On the Sabbath, preaching; Sabbath evening, prayer meeting; Monday evening, singing school; Tuesday evening, Lyceum; Wednesday evening, seventies' meeting; Thursday evening, prayer meeting; Friday evening, spelling school; and Saturday evening, the meeting of the lesser priesthood; and day school, which takes up the time.<sup>80</sup>

It was this combination of purposes found in education and religion that characterized the policy of the colonizing head, Brigham Young. When acting as governor of the territory he almost boastingly declared, "Each ward throughout the Territory has provided one or more comfortable schoolhouses commensurate with the number of pupils to be accommodated, and proportionably more has been done in Utah than has ever been accomplished under like conditions in any other portion of the Union."<sup>81</sup>

There were occasions when the colonists did not wait until a permanent structure was built before schools were commenced. An example of this may be noted in the case of the Iron County colony when George A. Smith, prominent in the church and in education during those first years, initiated the first school in this southern colony.<sup>82</sup>

#### DIRECTING RELIGIOUS EDUCATION THROUGH THE UNIVERSITY OF DESERET

*Objective of education under university administration.*—An understanding of two important characteristics of the Mormons is necessary in order to analyze their education: First, the founders of Utah were people who were deeply religious and whose faith had been intensified because of the persecutions and difficulties they had encountered. Under strong leadership, these migrating people had accepted—without exception—one religious faith, which eliminated any possible criticism from an outside group because the schools were utilized to perpetuate their own theology. Second, the church to which all residents belonged gave support to a creed that placed education high in relative values. From the earliest date of Mormon history the leadership declared the im-

<sup>80</sup>Isaac Higbee, *Deseret News*, Vol. III, February 21, 1852.

<sup>81</sup>Brigham Young, "Governor's Message," *Journal of the Legislative Assembly of the Territory of Utah*, 1857.

<sup>82</sup>George A. Smith, *Diary*. Utah Historical Society, Salt Lake City, Utah.

portance of education, and particularly the desirability of learning and understanding the tenets of the church.

Under these conditions education was initiated in Utah. Naturally, they borrowed much from their previous experiences. At Nauvoo they had established the University of the City of Nauvoo, and proposed therewith to supervise education within the limits of the territory covered by their city charter. Similarly, one of the first educational acts consummated in Utah was to establish the University of Deseret. As in the case of Nauvoo, the motive behind this organization was two-fold: first, to administer and supervise education throughout the colonies; and second, to provide an institution in which the "higher branches," with particular attention to the training of teachers, could be taught.

The act creating the university was passed by the general assembly on February 28, 1850. It provided for a chancellor and a board of regents as administrators. Provision was made in the original act for the creation of university branches when necessary and desirable. This pattern of organization conformed to the general church colonizing scheme. One such branch was organized at Provo and became the Timpanogos Branch of the university. After a comparatively brief existence, this school was reorganized into the Brigham Young Academy, which still provided religious instruction. The territorial superintendent depicts this institution and its transition to the broader and currently known university in the following words:

The Timpanogos Branch of the University, situated in Provo City, held two terms during the past year, with a daily attendance of about two hundred students. This institution was organized in April, A.D., 1870, and continued to be a marked feature of the county during its existence. Owing to an imperfect organization, it suspended last May. A new organization was effected on the 26th of November, A.D., 1875. Prest. Brigham Young, Proprietor of the University building and grounds, has executed a deed of the property, to seven trustees, who are to hold the same for the establishment and support of an academy, to be known as "The Brigham Young Academy."<sup>33</sup>

An important objective of the University of Deseret was to incorporate a system of teacher education. This unit was commonly referred to as the Parent School. Isolation of the Utah colonists demanded future teachers, if education were to flourish; moreover, the teachers must be of the established church, so they could impart the theological ideals. An 1850 *Deseret News* states: "The object

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<sup>33</sup>O. H. Riggs, *Territorial School Report*, 1874-75.

of the Parent School is to qualify teachers for the District or Ward Schools, and then for a higher order of schools. . . . that there may be uniformity in the method of teaching throughout Deseret.<sup>7784</sup> The influence of religion that characterized this institution which served as the head of all schools in the colonies may be noted from the following statement in the News:

Education, when taught by correct principles, and under the supervision of those governed by the spirit of God, will lay a foundation to make men and women great, noble, and amiable, and will expand their minds so that they can be fit for any station which they may be called to occupy, and nothing will daunt them from pursuing the purposes of God and truth. . . .<sup>85</sup>

This philosophy of the Parent School and the intent of the founders of education in Utah may be further noted from the description of one who attended an examination conducted by the school officials:

We have seldom ever attended a religious meeting, where a more meek, quiet, gentle, soothing, united and heavenly influence prevailed uninterruptedly, than there did during the examination of the Parent School while we were present and our prayer to God is, that the same celestial influence may ever be continued, and diffused through all the schools in Deseret.<sup>86</sup>

The regents, all of whom were prominent in the church, devoted themselves unstintingly to the welfare of education throughout the colonies. These men traveled among the communities as emissaries of education. Occasional mention is made in the News of their reports, such as that of W. W. Woodruff in his journey northward in the interest of schools, and E. T. Benson in his journey southward.<sup>87</sup>

Church documents report frequent meetings of the regents "in President Brigham Young's office," in which "the Regents were instructed to visit the schools throughout the territory, and to make themselves acquainted with the teachers and their manner of teaching and conducting the schools. . . ."<sup>7788</sup> Likewise, there was incidental inspection of the schools by regents passing through the settlements. For example, while en route to the Iron County colony, George A. Smith visited Provo schools on Monday, December 16, 1850, and recorded in his diary, "I visited the school which was in good order, about 70 scholars and 2 teachers.

<sup>84</sup>*Deseret News*, Vol. I, November 16, 1850.

<sup>85</sup>*Ibid.*, February 22, 1851.

<sup>86</sup>*Deseret News*, Vol. III, March 5, 1853.

<sup>87</sup>*Deseret News*, Vol. IV, December 28, 1854.

<sup>88</sup>*Millennial Star*, Vol. XXII, April 21, 1860.

Mr. Hurst the principal invited me to address them which I did and retired much delighted. May the Lord bless that school."<sup>39</sup>

As late as 1880, John Taylor, territorial superintendent, declared that he engaged Junius F. Wells and Milton H. Hardy, who were leaders in the church association of young people, and were "both ardent promoters of the cause of education. . . . to go on a general tour throughout the Territory, not only in the interest of these associations, but also to visit the District Schools."<sup>40</sup> Report was made as to the content of the lectures on these tours in the following statement:

We called attention of parents to their duties in the home training of their children; to the Sunday Schools as a means of religious, moral and even secular instruction. . . . with intelligence and education founded on the true principles of morality and religion, to the danger of employing any other than honest teachers. . . .<sup>41</sup>

Shortly after his appointment as territorial superintendent of schools in July, 1856, William Willis "visited the northern settlements as far as Brigham City, inspecting the day schools and organizing Polysophical Societies and Sunday Schools."<sup>42</sup> The latter two associations were both church-sponsored agencies.

During the early part of the 1880 decade considerable emphasis was placed on religious training. In the 1880-81 territorial school report the superintendent declared, "I think and suggest that a religious influence. . . . should exist in all our schools. . . ."<sup>43</sup> In the following report the superintendent asserted, "Whilst there are no religious tenets taught in our district schools I would be sorry if the fact compelled me to admit there were no moral, or even religious influences used or principles taught. . . ."<sup>44</sup>

The discourses of the regents clearly depict their desire for a religious atmosphere in the schools. On Monday, December 26, 1853, Parley P. Pratt, one of the regency, delivered an address at the Fourteenth Ward schoolhouse "upon the subject of Education," in which he said, "I consider that every faculty we possess should be called into action, and this work is so important no time should be lost. Hence we see the necessity of schools that we and our children may be prepared to perform all that the Lord requires of us."<sup>45</sup> That this prominent churchman spent considerable time

<sup>39</sup>George A. Smith, *op. cit.*

<sup>40</sup>John T. Taylor, *Territorial School Report*, 1880.

<sup>41</sup>*Ibid.*

<sup>42</sup>O. H. Riggs, *Territorial School Report*, 1874-75.

<sup>43</sup>L. John Nuttall, *Territorial School Report*, 1881.

<sup>44</sup>L. John Nuttall, *Territorial School Report*, 1882-83.

<sup>45</sup>*Deseret News*, Vol. IV, January 12, 1854.



in lecturing on the interdependence of education and religion is also evident from an address delivered in the Thirteenth Ward of Salt Lake City in January, 1854. The report states: "A richly instructive discourse was delivered, Sabbath evening, in the school of the 13th Ward, by Elder P. P. Pratt, one of the Board of Regents. . . . In glowing and electrifying terms, he set forth, as radical to all hopeful education, the necessity of the Spirit of God. . . ."<sup>46</sup>

Common among all these educational leaders of that time one of the regents described his concern for the theological influence on education in the following words:

If your children should adopt the practice in very early life to take a little gospel to school and apply it to getting an education, the experience might be worth something to them in riper years. For instance, if they should presume to think that the spirit of God could help them get their lessons just as well as he could help the two thousand young men to fight their enemies, or infant babes to speak with the tongues of angels, as in former days, wherein would be the impropriety of their faith? If they should find by experience that the spirit of God had so touched the eyes of their understanding as to give them more ready access to the principles of arithmetic and to the art of writing, they would soon find the comfort and convenience of such a helper in the acquisition of all other truth which they might choose to learn.

But an unbelieving teacher would be very likely to tell them (and honestly too) that he knew nothing about the Spirit of God, nor of the system of school teaching that incorporated the aid of such a spirit. Now, when Teachers come from the States and other distant parts that do not understand this peculiarity in our system of school teaching, trustees may find it expedient to advise them to take some preparatory lessons from Kanyon labors, or from hauling wood and driving teams before forwarding them to the Board of Regents for examination.<sup>47</sup>

Some of the religious documents and church records served as textbooks in the early schools of Utah. Books were extremely scarce and the availability of these may, in part, have accounted for their use; but more important to the church officials was the fact that they desired the children and youth of the church to be taught the theological doctrine. Orson Pratt on one occasion recommended that the schools use the *History of Joseph Smith the Prophet* as a school reader. He supported his proposition in the following words: "If the schools of our Territory would introduce this work as a 'Reader' it would give the young and rising generation some knowledge of the facts and incidents connected with the opening of the grand dispensation of the last days."<sup>48</sup>

<sup>46</sup>*Ibid.*, January 19.

<sup>47</sup>*Ibid.*

<sup>48</sup>*Deseret News*, Vol. V, March 21, 1855.

In practice, the founders of Utah followed the pattern set by the colonists of New England more than two hundred years earlier. The right of religious worship, unhampered by others, induced each of these two religious groups to establish community life that was overshadowed by their theology. The necessity of perpetuating their mode of worship and religious claims impelled them to make certain that the oncoming generations were taught church tenets early in life. The school as an agency of the people was the most opportune method of realizing this ambition; therefore, in Utah, as along the northeastern Atlantic seaboard, they were taught by church people, and faithfulness to organized group thinking was undoubtedly one of the major requirements for each teacher.

The influence of the church in Utah's early history can scarcely be over-emphasized. Only as non-church members began making permanent homes in the Great Basin valleys did criticism arise concerning the influence of the church over education. With the passing of time much antipathy arose over this problem. Educational reports segregated Mormon and non-Mormon children in all items of detail as carefully as current reports in some states separate the white from the colored children. With the admittance of Utah into the Union this unity between state and church was prohibited. Church leaders, however, deemed it wise to perpetuate theological instruction and while these schools existed as academies for a time,<sup>49</sup> the policy during recent years has been to distinguish religious education from general education; hence the church has relinquished its one-time practice of controlling the schools.

*Separation of state and religious instruction.*—The state constitution provides for a distinct cleavage between religious and public education. It prohibits any "religious. . . . test or qualification . . . . [of] a teacher or student [preparatory to entering] into any public educational institution of the State." Likewise, prohibition is made of any tax revenue-receiving agency from making "any appropriation to aid in the support of any school. . . . controlled in whole, or in part, by any church, sect or denomination whatever."<sup>50</sup>

<sup>49</sup>Lynn Bennion, *Mormonism and Education*. Published by The Department of Education of the Church of Jesus Christ of Latter-day Saints, 1939.

<sup>50</sup>*Constitution of the State of Utah*, Article X, sec. 12-13.

## CHAPTER II

### SEMI-PUBLIC SCHOOLS

#### Non-Public Mormon Schools Antedating Utah History

*Early private education.*—It required more than two hundred fifty years in the United States to establish the general practice of paying with public money the educational bill for the nation's children. The home, the church, and charitable organizations during this early period assumed the responsibility of providing most of the meager elementary education for the people. Children were branded as paupers if they or their parents were unable to pay the school costs. Under these conditions it was impossible to operate and administer an organized method of public education comparable to that which is now found in all states of the Union. In lieu of this publicly provided education, the people in most communities of rural America pooled their educational needs and employed someone in the neighborhood to impart to the "scholars" the rudiments of learning. Too often the instructor was an individual selected either because of an inability to do anything considered important in community life, or because of desperate need, such as a widow for whom the neighbors might care to extend some sympathy and provide her with employment.

Not infrequently, however, intelligent and capable people selected teaching as a profession, just as a physician might select his work. These teachers attempted to equip themselves as well as they could for their chosen vocation and entered upon a life activity with determination to serve and obtain an economic security. Customarily the teacher worked independently, with no assistance from any organized effort in the community; and hence he assumed the task of advertising and selling his school, just as one would advertise and sell other personal services or merchandise. Following the initial stages of community organization for education, teachers frequently taught schools that were public or semi-public, and, in addition, taught private schools. At that period of educational history it was the teacher's duty to collect the finances with which his salary was paid. One such illustration may be noted in the case of Orson Pratt, who, while serving as professor of "mathematics and English Literature in the University of the City of Nauvoo," announced a course of instruction "in the

Department over which he has supervision." The course of study and the fees for each were listed.<sup>1</sup>

An examination of the newspapers published by the founders of Utah before they migrated west indicates that non-public education was commonplace in their communities. The *Nauvoo Neighbor* repeatedly contains advertisements descriptive of the courses of study that were offered by those who conducted schools. One such notation follows:

Mr. Aron Blake. . . will commence his second quarter on Monday.  
[Quarter was 13 weeks.]

Reading, spelling, writing and arithmetic	\$2.00
Grammar, Geography and History	2.50
Philosophy, algebra and surveying	3.00 <sup>2</sup>

### Privately Operated Schools in Utah Colonies

*Initiation of schools within the several colonies.*—The schools established by Mary Jane Dilworth and Moses Thatcher during the first season following the arrival of the 1847 pioneers into Salt Lake Valley were not public in the sense that they were established by any legislative or constitutional act as a function of state government. These teachers were members of a religious colony united for the common welfare of the group and eager to serve others in an effort to attain certain objectives. The need for immediate instruction of children in this isolated portion of the nation, if social and cultural growth were to take place, was recognized, but the absence of any public revenue made it necessary for the teacher operating the school to collect any small fee that served in part to compensate him. Likewise, the absence of any governmental agency to administer education left it to the individual teacher to prescribe the course of study. Additional functions now performed by the state, such as certification of teachers, were unknown in Utah's first schools. The teacher either took the initiative and "opened" a school, or did so at the request of the people in the community who recognized the educational need.

On the other hand, these schools were public in that they served anyone residing within the confines of the colony, because the entire Mormon commonwealth decided that education in an organized form was desirable to perpetuate their own theocracy. The first schools were necessarily non-legal, inasmuch

<sup>1</sup>*The Wasp*, September 24, 1842. (Early Nauvoo newspaper.)

<sup>2</sup>*Nauvoo Neighbor*, December 6, 1843.



as they antedated any form of legislation prescribed by an agency of government. These schools in the several colonies invariably commenced during the first few weeks after a community was established. Often it was but a matter of days until someone began organized instruction. The settlers of Utah founded towns as groups, and not as individuals. In a single day "camps" would be set up and a need for education was present. The description of the first school established by George A. Smith in the "Iron County Mission" illustrates the haste that was common in commencing a school. In this instance, the settlers had not yet provided permanent houses before school was in session. A portion of the Smith diary follows:

Feb. 21, 1851. I commenced a grammer school in my wicky-up. My scholars were Thos. Wheeler, Hosh Millet, Peter A. Smith, R. Benson, Benj. Hults and Wm. Mitchell. The light of the camp fire, with only one grammar book. . . . [provided heat, light and supplies].

Saturday Feb. 22nd, 1851. . . . I have my little school in session again this evening with an additional number of scholars and are making good progress for new beginners. . . .

Sunday Feb. 23, 1851. I have my school again in session this evening. Br. Shirts at my request started a school this evening in Br. Miller's house. An evening Grammar school. . . . [now exists].

Monday Feb. 24th, 1851. The wind blew very hard in the evening, so much so that I put my camp fire out and instead of teaching we went to bed. . . .

Tuesday Feb. 25th, 1851. I had my grammar school in the evening. Although the evening was very cold the scholars made good progress. . . .

Thursday Feb. 27th, 1851. My scholars assembled round the camp fire, freezing one side and roasting the other, listened earnestly to my lecture on English Grammar. . . .

Monday, March 3rd, 1851. My wicky-up is a very important establishment, composed of brush, a few slabs and 3 wagons. A fire in the center and a lot of milking stools, benches and logs placed around, two of which are fashioned with buffalo robes. It answers for various purposes, kitchen, school-house, dining room, meeting house, council house, sitting room, reading room, store room. To see my school some of the cold nights in February, scholars standing round my huge camp fire, the wind broken off by the brush and the whole canopy of heaven for covering. Thermometer standing at 7°, one side roasting while the other freezing requiring a continual turning to keep as near as possible an equilibrium of temperature. I would stand with my grammar book, the only one in school, would give out a sentence at a time and pass it around. Notwithstanding these circumstances, I never saw a grammar class learn faster for the time.<sup>8</sup>

The school established by Mary Ann Turner in the early

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<sup>8</sup>George A. Smith, *Diary*, Utah Historical Society, Salt Lake City, Utah.

days of Provo history was not the result of any legal requirement on the part of local or state government; nor was that established by Mrs. Hannah Holbrook in a little "cone shaped wickiup" in Davis County. Likewise, the school of Jesse W. Fox, established in the autumn after the "call" to Manti in November, 1849<sup>4</sup>, was not the intent of any effort to comply with civil law, but a response to an apparent community need and a desire to provide a means of education for the children in an isolated, pioneer community.

As was the custom along the Atlantic seaboard at a much earlier date, some of Utah's first schools were private in that they were taught by some widow or housewife in a portion of her own house. Ada Arvella Burke Earl in her diary<sup>5</sup> describes one such school she attended that was taught by Mrs. Pauline Lyman at Farmington. Mrs. Lyman, wife of one of the prominent church leaders, invited the children of the neighborhood to her school. There in her home, as they played and ate and studied, they were regarded much as her own children.

Some teaching in the early Utah schools was done on a purely voluntary basis. In their isolated condition, and struggling as they were against hail storms, grasshoppers, crickets and Indians—in an arid country where the farm land was not exceptionally productive—the settlers of necessity were compelled to contribute to the general welfare whatever they possessed that might be needed by others. The ideals of the founders could be attained only if they and their children could learn, for without trained intelligence they boldly declared they could not be saved and exhalted. In the division of labor, teachers were "called" to give instruction in the rudiments of learning, and as late as 1860, much of the teaching was done on a voluntary basis. In December of that year the *Deseret News* stated:

On Monday evening a school was opened in one of the 14th Ward School-rooms, which, we are informed, is to continue during the winter, free to all residents of that ward, whether old or young, who may feel disposed to attend. Competent instructors, in all the branches usually taught in the common and select schools in this city, have volunteered their services. . . .<sup>6</sup>

Clear distinction cannot be made between public and private schools during early history; for example, on January 19, 1855,

<sup>4</sup>Andrew Jensen, *Sanpete Stake History*, p. 7. MS unpublished, on file at the Latter-day Saint Church Library, Salt Lake City, Utah.

<sup>5</sup>Ada Arvella Burke Earl, *Diary*, on file, Utah Historical Society, Salt Lake City, Utah.

<sup>6</sup>*Deseret News*, Vol. X, December 5, 1860.

the Legislative Assembly passed an "Act appropriating money for educational purposes." This act provided for the appropriation of "two thousand five hundred dollars" to be used in the construction of a building to be known as "an academy in Salt Lake City." Brigham Young was authorized to select the site, "appoint an agent to erect said building" and do other items of detail necessary in the erection of and payment for the building.<sup>7</sup> Records of that time indicate that Brigham Young operated a private school for his own family, but made the building available for the use of others. The *Deseret News* of 1860 states:

We are much pleased to notice, among the attractions of the 18th Ward, the addition of a fine substantially built private school house, to the east of President Young's residence, and enclosed within his walls. Everything about the new building has the air of substantiality. . . .

It adds greatly to our appreciation of the building, to learn that President Young not only intends it to be used for the education of his own family during the day, but proposes it to be thoroughly devoted to further educational purposes in the evenings.<sup>8</sup>

*Private-venture schools in Salt Lake Valley.*—Not all of the early schools were taught gratis, however. Some who designed to teach did so as a means of adding to their subsistence. An examination of the first issues of the *Deseret News* (first published in 1850) is evidence that many people placed advertisements in this pioneer paper, hoping to convince those interested in learning of the availability of instruction. On November 27, 1852, Elib Kelsey announced in the *News*:

The subscriber designs opening a Day School on Monday the 6th day of December next. . . . where he will be happy to receive pupils upon the following terms. viz:

For spelling, Reading, Writing, and Arithmetic, \$5.00.

For spelling Reading, Writing, and Arithmetic, with grammar or Geography, \$5.50.

The produce of the Valley will be taken in payment for tuition in all cases, when the terms of payment are not agreed upon cash will be expected. Lectures upon Grammar accompanied with illustrations upon the black-board, will be given for the benefit of the scholars; in the afternoons of Mondays, Wednesday and Friday of each week.

An evening school will be opened in the same house shortly after the commencement of the Day School, of which the notice will be given in the 'News.'<sup>9</sup>

<sup>7</sup>*Laws of the Territory of Utah, 1855, secs. 1 and 2 of "An Act Appropriating Money for Educational Purposes."*

<sup>8</sup>*Deseret News, Vol. X, December 12, 1860.*

<sup>9</sup>*Deseret News, Vol. III, November 27, 1852.*

On numerous occasions Brigham Young expressed his interest in education. His determination to make the Mormon colonies as nearly independent of the rest of the world as possible impelled him to make certain that his people were trained for the common culture they proposed to perpetuate. He was likewise keenly interested in training teachers and artisans. He established the Union Academy to meet the needs of the people and his plan for this institution is well expressed in his own words at a general meeting.

We shall devote the large building on the east side of Union Square to school purposes. Tuition will be free, and the school will begin to-morrow morning, with Orson Pratt, Jun., and James Cobb, teachers, under the supervision of Orson Pratt, sen. The Union Academy is designed exclusively for boys and young men. So soon as we have a suitable building we intend to open an academy for females, in which they will be taught the common branches of English education—music, and, probably, some of the modern languages.

We wish those who attend the Union Academy to qualify themselves to be useful to themselves and this community, as speedily as possible. We shall urge the study of mathematics, and more particularly their practical application, that as many as have taste and aptness may become familiar with surveying, which they can fit themselves for in a very short time. There are but few here who are practical surveyors, and we wish that number increased.. . .<sup>10</sup>

This academy was restricted for a time to boys but later provided an educational offering to both sexes. Within the course of study were found such subjects as reading, writing, spelling, grammar, composition, arithmetic, algebra, geometry, geography, history, natural philosophy, drawing, and needlework. Moreover, an evening school was organized at the academy where many of the above subjects were taught.<sup>11</sup>

In the press notice announcing the courses offered at a given school, the teacher would occasionally give a brief description of the method of procedure in order to assist in the "selling" of the school. Mr. W. Eddington thus described a school:

In order to render this School available to the Children of all classes, the terms are fixed exceedingly low, until the pupil has made considerable progress in his studies; while none will be hurried onwards at a speed beyond their mental powers to follow.

The old system of corporal punishment will not be practiced, but the disposition properly cultivated; so that the pupil will ultimately love the improvement of his mind, and respect his teacher. . . .

<sup>10</sup>*Deseret News*, Vol. X, May 30, 1860.

<sup>11</sup>*Deseret News*, Vol. XI, December 18, 1861.



Children should, on all occasions, come clean, and as respectfully dressed as the circumstances of their Parents will admit, for cleanliness with due attention to morals, must be observed. Fee \$1.00 per month paid in advance.<sup>12</sup>

Within a given school subject matter varied considerably, indicating that the schools attempted to meet a wide range of abilities and interests. Some of the educational offerings were more advanced than those referred to above. One announcement under the caption of "High School" states:

The gentlemen and ladies of this Territory are hereby informed, that Prof. Orson Pratt proposes to open an Evening School in Great Salt Lake City, wherein will be taught the following branches:

Natural Philosophy,  
Electricity and Electric Magnetism,  
Chemistry,  
Astronomy, including the use of the Sextant and Reflecting Circle,  
Algebra,  
Surveying,  
Analytical and Celestial Mechanics,  
Differential and Integral Calculus

No branch but those specified above, will be taught in the school. Prof. Pratt can furnish students with some twenty copies of Day's Algebra, and with a few copies of other works, treating upon the branches of science proposed to be taught.

The school will be open from six till nine on Monday, Tuesday, Wednesday, and Thursday evenings.

Terms—\$15 per quarter, for each scholar.

School to commence when twenty scholars shall have subscribed.<sup>13</sup>

At different intervals before this time Orson Pratt had delivered a series of lectures. Usually these were "on astronomy and other scientific subjects."<sup>14</sup> Admittance to these lectures was given on the presentation of a purchased ticket.

Grammar schools as a phase of semi-public instruction were especially popular during the first decade of Utah's educational history. This may be noted from a number of diaries (including the George A. Smith diary referred to above), and also from advertisements in the newspaper. One teacher proposed to teach a term of fifteen weeks, two evenings a week, for six dollars per term. The announcement includes requirements as follows: "Gentlemen and Ladies wishing to become members of the class must furnish themselves with lights, and each one with a copy

<sup>12</sup>*Deseret News*, Vol. IV, January 25, 1855.

<sup>13</sup>*Deseret News*, Vol. IV, December 28, 1854.

<sup>14</sup>*Deseret News*, Vol. II, December 27, 1851.

of Kirkham's Grammar. No charge for fuel or rent."<sup>15</sup> At the close of one term of the grammar class instruction under the tutorship of Orson Hyde, Wilford Woodruff and others publicly declared through the press the advantages of a study "of the science of our language."<sup>16</sup>

Occasionally "General Schools" were advertised.<sup>17</sup> These offered a variety of subject matter and were essentially elementary. Frequently these were taught as both day and evening schools,<sup>18</sup> although many were limited to evening study.<sup>19</sup> Because the early residents of Utah were determined to maintain an economy as nearly self-supporting as possible, it was their policy and practice to train their own tradesmen. One announcement indicating the practical nature of such trade training follows:

To Carpenters, Joiners, Masons, etc., etc.

Classes to teach the above-named Mechanics how to get out the times of their work, including centering, groined Arches, Roofing, Staircase Railing, etc.; also to impart a general outline of principles of Architecture—will be held every Tuesday and Thursday Evenings, from 7 to 9 o'clock, in the west wing of the 14th Ward Meeting House, commencing Tuesday, 11th February.

Terms—One night per week for the quarter, \$5.

Two nights per week for one quarter, \$8.

One half in advance.<sup>20</sup>

The gigantic task of "making the desert blossom as a rose" did not prevent these energetic pioneers from devoting a certain amount of their effort and interest to an educational offering that was essentially classical. Their church founders had manifested a desire to study languages with special emphasis on Hebrew. This interest remained with the people until after their arrival in Utah. As early as 1849, one of their publications asserts, "There have been a large number of schools the past winter, in which the Hebrew, Greek, Latin, French, German, Tahitian and English languages have been taught successfully."<sup>21</sup> Such notable teachers as Karl G. Maeser taught a variety of schools in Salt Lake City and vicinity (preceding his directorship of the Brigham Young Academy) in which the modern languages and certain classical and cultural subjects were taught. In one, Maeser and his associate taught "German, French, Italian, Latin, Greek, [and]

<sup>15</sup>*Deseret News*, Vol. VIII, December 8, 1858.

<sup>16</sup>*Deseret News*, Vol. V, April 11, 1855.

<sup>17</sup>*Ibid.*

<sup>18</sup>*Deseret News*, Vol. VII, March 11, 1857.

<sup>19</sup>*Deseret News*, Vol. VIII, December 22, 1858.

<sup>20</sup>*Deseret News*, Vol. XI, February 5, 1862.

<sup>21</sup>*Millennial Star*, Vol. XI (1849), p. 230.

Drawing."<sup>23</sup> In another school Maeser announced "Lessons in the German language, in music—piano; in drawing [and] geography."<sup>23</sup>

Many of these semi-public schools were operated as "academies,"<sup>24</sup> but some were operated as "boarding and day schools for boys and girls."<sup>25</sup> Newspaper announcements comparable to the following were not uncommon:

#### CITY ACADEMY

The next session of this School will commence on Monday, 2d November. The terms of tuition are \$4 or \$6 per quarter, according to the studies pursued. For particulars, apply to

G. W. Mousley, Principal,  
16th Ward, G. S. L. City<sup>26</sup>

**Ward schools.**—The ecclesiastical ward of the Mormon Church formed an appropriate unit for a school organization. The bishop of the ward took the initiative in providing a school building and in determining the district boundary lines. These ward schools were, therefore, private schools, not only because the bishop was a church affiliate, but likewise, because the people insisted that their theology be taught in the schools. However, they were also public in that they served all the people, although they were non-legal, or not a part of a state or territorial school organization. Ward schools were generally conducted in the same building in which the church meetings were held, and served as common schools for all the people during much of the first quarter of a century. The following references from the early periodicals show the prevalence of the ward schools.

In November, 1850, the *Deseret News* contained a note stating that plans were under way "for the construction of school houses in every ward. . . with a view for a general system of school houses throughout the city."<sup>27</sup> In 1851 the president of the Mormon Church and his associates wrote the "sixth general epistle" to the church membership. They said, "School houses have been erected in the wards generally, and schools have been in operation the present season."<sup>28</sup>

A year later (1852) the *News* stated: "Many if not all the wards and settlements of our Territory have built commodious and comfortable school houses. . . ."<sup>29</sup>

<sup>23</sup>*Deseret News*, Vol. X, November 7, 1860.

<sup>23</sup>*Ibid.*, October 24.

<sup>24</sup>*Deseret News*, Vol. XII, October 8, 1862.

<sup>25</sup>*Deseret News*, Vol. IX, November 9, 1859.

<sup>26</sup>*Deseret News*, Vol. XIII, October 8, 1862.

<sup>27</sup>*Deseret News*, Vol. I, November, 1850.

<sup>28</sup>*Deseret News*, Vol. II, November 15, 1851.

<sup>29</sup>*Deseret News*, Vol. III, December 11, 1852.

By November, 1854, the *Deseret News* asserted that there was at that time "a school-house in nearly every ward in our Territory."<sup>80</sup> In his message to the Legislative Assembly in 1857 the governor said, "Each ward throughout the Territory has provided one or more comfortable schoolhouses commensurate with the number of pupils to be accommodated. . . ."<sup>81</sup>

The very close relationship between the church as it functioned through the ecclesiastical wards and the operation of these semi-public schools may be noted by the fact that as early as 1853 a tax of twenty-five dollars was levied on all "lots situated in the 10th ward. . . . for the erection of a new school house." In case of default in payment the tax committee declared the lots "will be sold to defray the same."<sup>82</sup>

*Special schools.*—In addition to the several private and semi-private schools for general education, there was a heterogeneous array of schools taught for specific purposes. These, like many of those enumerated above, were privately conducted, with no direction from any governmental agency, but were open to all who cared to attend. Drama and music played an important recreational, social, and educational role in the lives of the early settlers and considerable instruction was given in these arts. First the Musical and Dramatic Company was organized and in 1851 reorganized and given the name of the Deseret Dramatic Association. In this somewhat specialized field this organization furnished unique training to a comparatively large group of people. Branches of this association were set up in several other Utah towns. In 1855 the Deseret Philharmonic Society, whose purpose it was to give instruction in "all kinds of vocal and instrumental music," was organized. In the same year the Polysophical Institution was established. This society convened five evenings each week. In addition to the common branches of learning the announcement asserted that "The young gentlemen will be taught gymnastics and military exercises," and "the young ladies will have the advantages of classes in music and drawing." Likewise, in the same year the Deseret Theological Society and the Universal Scientific Society were organized. These associations studied an array of both theological and scientific investigations.

In addition to several early organizations established to

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<sup>80</sup>*Deseret News*, Vol. IV, November 9, 1854.

<sup>81</sup>Brigham Young, "Governor's Message," *Journal of the Legislative Assembly of the Territory of Utah*, 1857.

<sup>82</sup>*Deseret News*, Vol. III, May 4, 1853.



study music, some teachers conducted private classes in music instruction. As early as 1852, singing schools were initiated.<sup>38</sup> Customarily these were evening schools conducted to accomodate those who worked during the daytime.

The semi-public school in Utah was the predecessor to the common schools that later developed. They existed to perpetuate the culture and the theology of the settlers, and at such a time met a need in the pioneer communities. These were non-legal schools, and some of them existed for many years following the establishment of public schools that emerged from legislative enactment.

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<sup>38</sup>George W. Bean, *Diary*. On file at Utah Historical Society, Salt Lake City, Utah.

## CHAPTER III

### THE BACKGROUND FOR THE ESTABLISHMENT OF COMMUNITY SCHOOLS

#### FORCES THAT DETERMINE THE QUALITY OF EDUCATION

*The socio-economy of the founders of Utah.*—Any educational program is determined largely by the socio-economy of the time and the ideals of the people concerned. This accounts for the differences in the methods of organization, administration, and curricular content from state to state and, in instances, from one community to another. One portion of the national domain was settled by the land-seeker who preferred to live alone. Another area was colonized by a group bound together by a common highly impelling interest such as religion. The mountaineer, the fur-trader, the explorer or miner have each, to a small degree, determined the presence or absence of community life as the frontier advanced across the continent to the Pacific Ocean. Some have preferred a farmland economy, but therewith an isolation from community contacts. Others, likewise, have chosen to use agriculture as a basic part of the economy, but have elected to live in compact groups. The particular natural resources of a given section of country, including the minerals, metals, mountains, and streams have added to the divergence of community life across the nation.

Education is a complex portion of the total culture and can be understood and analyzed only in relation to the numerous motivating forces behind the development of the national domain. Education in Utah is not like that of California, Alabama, Iowa, or any other state, because of the differences in the ideals of the people and the economy and pattern of social living established; therefore, to understand and interpret education within a state, it is necessary to know something of those major forces that have created and maintained it.

Utah was regarded as an area of waste land and desert by trappers and frontiersmen when the first permanent white inhabitants entered Salt Lake Valley in July, 1847. It was more than a thousand miles from what was then the western frontiers of American civilization. Mountains, deserts, deep and rapidly flowing rivers, and savage Indians separated the little band of colonists from their

former homes and possessions. Not only were the "Whites" completely isolated from eastern and mid-western cities and community life, but they pitched their tents (later to emerge into permanent homes) in a foreign land, for Utah was then part of Mexico and remained so until February 2, 1848, when by the Guadalupe-Hidalgo treaty it was ceded to the United States.

*Early government in Utah.*—It was not until March 15, 1849, that a representative convention met and appointed a committee from among its members to draft a constitution for a newly proposed state. Three days later the committee presented its report and recommended the adoption of a constitution for "a free and independent government, by the name of the State of Deseret."<sup>1</sup> This constitution, when accepted, inaugurated a representative form of state government with a house of representatives and a senate, each elected by the people. The Legislative Assembly convened July 2, 1849, nearly two years after the white people first settled in Salt Lake Valley. It was more than another year before the United States Congress passed the Organic Act (September 9, 1850) that created the territory of Utah which supplanted the state of Deseret. An additional year passed before the territorial legislature first convened on September 22, 1851, and initiated territorial representative government. On October 4, 1851, the legislature passed a joint resolution legalizing the laws of the former state of Deseret, providing they were not in conflict with the Organic Act of the territory.<sup>2</sup>

*Church government.*—The people of Utah were not without government of some form during these first years of their history. They had developed a system of church government that established a line of authority from their church president downward to include every individual. Like the early Calvinists of New England, civil government existed for the Mormons only as it was a part of ecclesiastical government. Through the ingenuity of Brigham Young, his followers were placed in compact and highly organized groups while they were crossing the plains and mountains to the Great Basin. This system made travel easier and helped to maintain law and order. The same general plan of organization was used as the religious colonizers went from Great Salt Lake City to other locations to establish new settle-

<sup>1</sup>Preamble to the Constitution of the State of Deseret.

<sup>2</sup>*Acts, Resolutions and Memorials Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah*, "Joint Resolution Legalizing the Laws of the Provisional Government of the State of Deseret," October 4, 1851.

ments. Regardless of distance from the original colony, the settlers never went so far that the influence of their ecclesiastical government was weakened, or that the local unit became independent in its own control. No people in American history, since the breakdown of the church government in New England, have had more highly centralized coordination than did the Mormons in early Utah.<sup>3</sup>

Brigham Young was both prophet and president of the church membership. Distinct religious homogeneity existed among the people and all of the early colonists were members of the church. The religious, social, and economic life of the people was directed by an hierarchical order of priesthood that emanated from the higher councils of the church. Leaders of the community life in the outlying colonies were nominated by church officials and sustained by the vote of the assemblage. The leadership within the several settlements served as mediators between the church head and the lay membership. Much of the success of Brigham Young's colonial plan may be accredited to the method in which he kept in close contact with the people in these scattered colonies. The president, or an immediate representative of church authority, frequently visited the wards and stakes<sup>4</sup> at church social functions. Likewise, he frequently wrote an "Epistle of the First Presidency of the Church. . . from the Great Salt Lake Valley to the Saints scattered throughout the earth."<sup>5</sup> The Mormon conference has been another effective method of contact between the church leadership and the lay population. Twice each year throughout their history the Mormons have assembled in a general church conference for the purpose of receiving instruction from those who direct the religious life of the people. These devices have helped to maintain a unity of theological thought among the membership and have provided a community life that in many ways has enhanced education.

Within the local towns of the early colonists, the male population frequently met in council where problems of a common interest were discussed. The frequency of these meetings and the democratic method employed in analyzing economic, social, or religious issues kept the settlers working for a common objective. No sharp distinction existed between their spiritual and economic

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<sup>3</sup>John Clifton Moffitt, "The Development of Centralizing Tendencies in Educational Organization and Administration in Utah," Ph.D. Dissertation, The University of Chicago, 1940.

<sup>4</sup>A "stake" is a geographical area composed usually of several "wards." The "ward" is the local unit of Church organization.

<sup>5</sup>*Millennial Star*, Vol. XI, (1849), pp. 227-32.



problems. Customarily the ecclesiastical ward bishop, who generally supplied both the civic and religious leadership in the local church unit, discussed with his associates social, economic, and religious problems, in keeping with the need of the time.

*Extending the colonies.*—Shortly after the arrival of the first settlers into Salt Lake Valley, other caravans began to arrive and an extension of the colonizing plan began. Commonly, a council of men was called by the leaders, and volunteers were asked to go and settle in valleys elsewhere. The soil, water, and other natural resources were first investigated, and when conditions were conducive for colonization, a group of families would be "called" to establish a new settlement. Each of these settlements soon became a semi-independent religious, economic, and social community. Extreme care was taken to make sure that the new colonies possessed the necessary skilled workmen. While agriculture was the basic industry, each community in this isolated situation necessarily had artisans who built and operated gristmills, sawmills, tanneries, and foundaries. Frequently these industries were of a cooperative type in which several men or even the entire colony had an interest.

The expansion of colonies soon extended far beyond Salt Lake City. Four other colonies were established in 1847, ten more in 1848, eleven in 1849, seventeen in 1850, and fifteen in 1851.<sup>6</sup> The Mormon colony was unique in the mid-west and western frontier because of the community life that it afforded. The people lived in towns or villages and the farm land extended outward from this center. Typically, the town plot was first surveyed and divided into city lots, then the men cast their lot for the various plats of ground. The frontiersman elsewhere in western America has lived on his farm until community centers were later developed. Utah tended to reverse this pattern, and from the first has been known as a state of towns and villages. While it has necessarily been rural because of the mountains and streams limiting habitable locations, the people throughout the history of the state have not lived an isolated existence.

*Cooperatives in early Utah.*—Cooperation among the Utah settlers and their ability to work together under a strong centralized church leadership did much to determine their success. Cooperative merchandising in Utah soon attained considerable fame.

<sup>6</sup>Milton R. Hunter, "Brigham Young, the Colonizer," Unpublished Dissertation, University of California, 1935.

Not only in commercial enterprises did the pioneers loyally unite, but in building canals and roads, in construction of forts, erection of churches and school buildings they labored together. Likewise, they cooperated in their land economy. Their president-leader decreed:

It is desirable that the brethren unite their labors so as to enclose their farming lands in large tracts, every one fencing in proportion to the land he agrees to occupy; thus much land may be enclosed with little labor and more time can be had for tillage; every man can plow and sow as much as he pleases, and have his field to himself as though it were surrounded by his own fence.<sup>7</sup>

To assure each man an equal chance in securing the land of his choice after the enclosure for all was complete, Brigham Young said:

All these lots will be enclosed in one common fence, which will be seventeen miles and fifty-three rods long; eight feet high; and to the end that every man will be satisfied with his lot and prevent any hardness that might occur by any other method of dividing the land, we have proposed that it shall all be done by ballot, or casting lots.<sup>8</sup>

Many of the people who arrived in Utah were extremely poor and in need of assistance. It was the decree of Brigham Young that there should be no poverty, or, at least, that each have the right to obtain the necessities of life, and that those who were unable to sustain themselves be assisted from a common storehouse. These storehouses contained food and produce that was accumulated from a system of tithing and an economic plan designated the "United Order"<sup>9</sup> for the benefit of all who might need. The United Order was an organized community plan where each could work for and contribute to the common good of all. This order was sponsored by the Mormon Church and existed with varying degrees of success for a period of time in different communities, and did influence the economic and social pattern of living in early Utah. Many were given aid when they first came to the Utah colonies. To the church membership assembled in 1850, Brigham Young said, "There are hundreds of emigrants now coming here, destitute: I say to you, Latter-day Saints, let no man go hungry from your doors, divide with them."<sup>10</sup>

<sup>7</sup>*Journal of History*, September 9, 1847.

<sup>8</sup>*Journal of History*, October 9, 1848.

<sup>9</sup>Joseph Geddes, *The United Order Among the Mormons*. Salt Lake City: Deseret News Press, 1924, p. 72.

<sup>10</sup>*Deseret News*, Vol. I, 1850-51, p. 20.

One account of those first years states:

In consequence of the scanty harvest of 1848, breadstuffs and other provisions became very scarce in the valley in the summer of 1849, and many of the people were necessitated to eat raw hides, and to dig sego and thistle roots for months. . . . Those persons who had food imparted measurably to those who had none, so that extremity of suffering from hunger was avoided.<sup>11</sup>

So many were in need of assistance upon their arrival in the Valley that on Sunday, September 9, 1849, "President Young presented the subject of a 'perpetual fund' to gather the poor. The congregation voted that such a fund be instituted."<sup>12</sup> Early in October of that year a committee was organized to collect funds to assist in bringing the poor to Salt Lake Valley. The plan was to loan this money to those who were in need. Later this was to be refunded by them with interest and reloaned to others; thus the fund would be perpetuated until all who had need of it and desired to come to Utah might do so.<sup>13</sup> This extremely rural and hard life of the pioneer founders of the Mormon colonies, wherein their hardships could only be lessened by the assistance of others, aided in the development of a solidarity of social life and a cooperative economy that was unique. These forces greatly influenced both the educational organization and the content of the school curriculum.

*The Influence of religious homogeneity upon education.*—It was their desire for increased religious freedom that impelled the pioneers of Utah to venture into the wilderness of the Great Basin. They sought to be free from the ridicule of white men elsewhere. The sacrifice necessitated by this migration demanded great faith on the part of the church membership, both in themselves and in their leaders. Strongly organized into an hierarchical order of priesthood, the male portion of their association was in constant contact with the directing source of the church. Their own system of education and religious instruction from the time of earlier church history had done much to bring about a "unity of the faith."

The stake and ward plan of organization made it possible for many people to work in an ecclesiastical capacity which kept them in close touch with the objectives and activities of the church. Organization was a part of the church doctrine, and the support

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<sup>11</sup>Andrew Jensen, "History of Salt Lake Stake," MS, Church Library, Salt Lake City, Utah.

<sup>12</sup>*Ibid.*

<sup>13</sup>*Deseret News*, Vol. I, 1850-51, p. 119.

and loyalty to this organization was an index of faithful membership. This method of local control and almost universal participation intensified interest in the church and strengthened the feeling of personal security. The tenets of the church demanded a service to others, and group action was an essential part of the theological creed. Demands were also made that the believers meet together often in the interest of the common welfare; therefore, the Mormon settler who came to Utah for religious purposes could not comply with his church duty and live remotely from his brother.

*Other factors that aided in the development of community life.*—The topography of Utah differs widely from that of the vast areas crossed by the migrant Great-Basin seekers as they left Ohio, then Missouri, and afterward, Illinois. The rugged mountains and waste deserts prevent habitation at any place except the fertile valleys. The tillable ground is arid and requires irrigation in order to mature the crops; thus only those sections of country that are fed by mountain streams of water permitting irrigation are available for occupation. The series of valleys and the usual river flowing from the mountains to the lowlands determine the location of the towns.

The need for a united protection against the Indians is believed by some to have been one of the major factors that influenced the settlers in establishing their homes in a compact pattern, rather than on isolated farms. Certainly, many of the colonists would have been exterminated had they not lived in community groups, for numerous early records indicate the trouble with the natives, their attitude of resistance to the invading white man, and their determination for revenge. In fact, the Indians were sufficiently savage in many locations to compel the whites to live so close to a single center that a wall or fort could be constructed around the entire small camp or settlement in order to give protection against the natives.

*The religious duty of building cities.*—Significant as are all the above forces that influenced the community life that emerged among the Utah settlers, perhaps the outstanding one is the responsibility they assumed as part of their religious duty to build cities, for it is in this respect that their plan of colonization is most unique. An analysis of the early documents of the church clearly reveals the emphasis placed by its leaders on erecting "holy cities." For example, on August 9, 1848, several of the leaders of the Utah colony wrote Brigham Young while he was en route to the Great



Basin as follows: "Quiet, union, peace and harmony prevail. . . , with a determination to do the will of the Lord, build a holy city unto him and harken to . . . counsel."<sup>14</sup>

The same general pattern characterizes all of the towns planned by Brigham Young and his associates: streets extend north-south and east-west, and the blocks or squares in the main are of given dimensions, with houses appropriately placed for gardening and beautification. Many attribute this distinctiveness to the ingenuity of Brigham Young, but the plan evidently reverts to the time preceding his ascendancy to the Mormon leadership. Describing this general city pattern, one of the Mormon Church historians has written as follows:

It was about this time [the spring of 1833] that a general plan for building 'cities of Zion' was evolved, that is of very great interest. In June the prophet [Joseph Smith] sent to Zion the plat of the city to be founded at Independence, which was to be a model for the rest, and which a few years later became the plan on which Kirtland was laid out.<sup>15</sup>

The idea of the city or town furnishing the physical basis in which the desired religious, social, and educational life of the people could emerge is well illustrated in the further writings of the historian:

Lands for agriculturalists sufficient for the whole plat are also to be laid off [outside the city] . . . but the tiller of the soil as well as the merchant and mechanic will live in the city. The farmer and his family, therefore, will enjoy all the advantages of schools, public lectures, and other meetings. His home will no longer be isolated, and his family denied the benefits of society . . . , but they will enjoy the same privileges of society and can surround their homes with the same intellectual life, the same social refinement as will be found in the home of the merchant or banker or professional man.<sup>16</sup>

On September 24, 1848, the Salt Lake Valley colonists unanimously selected Brigham Young and Heber C. Kimball to appportion the lots for the city of the saints. Decision at that time was made by the vote of the people to construct their buildings a specific distance from the walk. Likewise, other villages were plotted in keeping with the prescribed pattern. Note the instance of Provo:

On Monday, September 17, 1849, at 9:25 A.M. President Brigham Young, Heber C. Kimball, Willard Richards and others rode out from Fort

<sup>14</sup>Andrew Jensen, "History of Salt Lake Stake," MS, Church Library, Salt Lake City, Utah.

<sup>15</sup>B. H. Roberts, *A Comprehensive History of the Church of Jesus Christ of Latter-day Saints*, Vol. I. Salt Lake City: Deseret News Press, 1930. Pp. 310-311.

<sup>16</sup>*Ibid.*, p. 312.

Utah in three carriages, accompanied by five men on horseback to look out a location for a town. They found a very eligible place, about two miles south-east of the Fort, where it was decided to build a city, a mile square, to be laid off in blocks of four acres each, divided into eight lots of half an acre each, reserving the center block of four acres for a chapel and school house, the streets to be five rods wide.<sup>17</sup>

*The effect of the community on the school.*—Whatever the several factors are that contributed to the town or village type of settlement in Utah and among the other Mormon colonies, the fact remains that people generally did live in groups of sufficient numbers to provide comparatively large schools. The little red school house at the crossroads that has typified American frontier life elsewhere, was not characteristic of the colonies established under Brigham Young's direction. These village schools customarily existed from the very beginning of the various communities. One student of early history declares that he examined the initial history of thirty-eight towns, and without an exception, each had a school in operation during the first season of its existence.<sup>18</sup> The common policy of constructing immediately a building for purposes of worship provided at one and the same time a structure wherein school might be held. This custom of establishing community schools within the first few weeks following the beginning of any settlement in Utah has, therefore, produced an educational pattern unlike that found elsewhere.

The educational advantages of living in villages has long been recognized by the state's leaders. The second report of the superintendent of public instruction contains the following statement:

Settled in towns instead of being scattered about the country each family upon its own farm, strong social ties have bound the people together, and strong common interests have always determined their action. From this it has resulted that a certain cosmopolitanism, a degree of polish, we may call it, has always distinguished the dwellers in our villages. Settled in groups with strong social ties from the very beginning, the inhabitants of Utah, like the early settlers of New England, have kept in close touch with each other and with the world at large. In spite of geographical isolation, there has been but little social isolation in Utah. Backwoods life as it developed in other frontiers has been unknown; and even today, one may get farther away from civilization in a few hours by rail from anyone of our great Eastern cities than in almost any corner of the State of Utah. This is not said in a spirit of boasting. It is merely a brief statement of conditions and their causes. These conditions I believe to be far more favorable to education than are those of the rural districts of most other states. In fact, strictly speaking, we have but few rural

<sup>17</sup>Andrew Jenson, "Utah Stake," MS, Church Library, Salt Lake City, Utah, p. 15.

<sup>18</sup>Levi Edgar Young, "The Pioneers and Early Education," *Utah Educational Review*, Vol. VI (1913), p. 41.

schools in Utah of the kind that are found in purely agricultural communities where families live scattered out on their farms. The vigorous social life of our rural towns has already made our rural schools much better than they could have been under other circumstances; and its effect will be more strongly marked in the future than it has been in the past.<sup>19</sup>

A similar comment was made in the third biennial report:

In this State there are presented social conditions not exactly classifiable under any of the usual divisions. The greater part of our population is neither urban nor rural, but something of each, and possessing characteristics not clearly defined in any other community of our country. Our society is largely a later development of the puritan towns of early New England with certain important modifications due chiefly to the particular nature of the country and religious and industrial conditions. From the early settlement of the country, the conditions of life have tended strongly to enforce a strong social unity. The small size of the tillable areas, the necessity of irrigation, the common danger in early days, from the Indians, and the religious organizations of the majority of the settlers in Utah, all contributed to produce small, compact, and closely united town communities, with an almost total absence of a strictly rural population. From the very first the immigrants settled in towns, and in almost every important respect the early New England type was reproduced. Each group of settlers was a religious as well as a political community; and, as in New England, religious and political institutions developed together, many not clearly distinguishing between the two kinds of government under which they lived. In each community the leading members held the higher positions, both political and ecclesiastical; from necessity both political and religious meetings were held in the same buildings, and often the questions discussed were the same or very similar in nature.<sup>20</sup>

The sixth report of the state superintendent of public instruction pays a tribute to the founders of Utah for their effort and interest in education and therein attributes much of the success of the early schools to the church and the particular community life of the colonists. Part of the report follows:

In these town communities education has found a fertile soil; indeed, the very social organization has been educational from the beginning; the great purpose of the religious enthusiasts who settled Utah, was to develop in accordance with their ideas of temporal and spiritual perfection. . . . The merits or demerits of the 'Mormon' religion do not concern this discussion, but the social effects of the organization of that sect are so important that they can not be left out of a discussion of education in Utah. No church ever possessed a more nearly perfect organization, surer means of reaching and influencing all of its members or more perfect methods for securing their active response. Though different in method as in aim, the public schools have utilized the

<sup>19</sup>John R. Park, *Second Report of the Superintendent of Public Instruction of the State of Utah, For the Biennial Period Ending June 30, 1898*, pp. 8-9.

<sup>20</sup>Emma J. McVicker, *Third Report of the Superintendent of Public Instruction of the State of Utah, For the Biennial Period Ending June 30, 1900*, pp. 47-48.

results of this organization. For the most part, the schools have had no backwoods communities to deal with in Utah; there are few schools of the cross-roads type. . . .<sup>21</sup>

It was in these towns and villages, so unlike most of the states elsewhere, that education in Utah was born, nurtured, and matured. The compactness of community life, the homogeneity of the people, the ideals of the individual settlers, all were conducive to educational advancement. The poverty of the pioneers, the necessity of all hands working to live, and the isolation from centers of learning tended to thwart the hopes and educational aspirations of the founders; but force against force, the people of Utah continued to struggle in their efforts to establish schools that would accommodate all who desired to learn.

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<sup>21</sup>A. C. Nelson, *Sixth Report of the Superintendent of Public Instruction of the State of Utah, For the Biennial Period Ending June 30, 1906*, p. 33.



## CHAPTER IV

### THE ADMINISTRATION OF EDUCATION THROUGH THE UNIVERSITY OF DESERET BOARD OF REGENTS

#### REGENT PLAN OF CONTROL WAS BORROWED FROM THE EAST

*Method of educational control at Nauvoo, Illinois.*—The creation of the University of Deseret in 1850 by the Legislative Assembly of the state of Deseret put into operation a plan of administering education that grew out of the experience of these settlers while they were residing at Nauvoo, Illinois. At that time a city charter was granted for the civil administration of Nauvoo which included the establishment of the University of the City of Nauvoo. Section 24 of that charter gave to the city council the right to establish an institution of learning to be under “the control and management of the Board of Trustees, consisting of a Chancellor, Registrar, and twenty-three Regents.” The charter itself indicated that the principal function of the regents was to create and operate the University of the City of Nauvoo as an institution of higher learning; but slightly more than two months after the charter was granted, the city council, which until that time possessed the power “to establish, support, and regulate common schools,” passed an ordinance, February 22, 1841, declaring:

. . . that all matters and powers whatever in relation to common schools, and all other institutions of learning within the City of Nauvoo be, and the same hereby are transferred from the City Council of the City of Nauvoo, to the chancellor and regents of the University of the City of Nauvoo.<sup>1</sup>

With the passing of this ordinance the control of all education was vested in the university regents. They determined the course of study, approved teachers for certification, and gave complete supervision to all organized education, regardless of school level.<sup>2</sup>

*Plan of regent control adopted in Deseret.*—The settlers of Utah were homogeneous religiously and socially. They came to the Great Basin for the sole purpose of isolating themselves from the world elsewhere in order that they might be unmolested in perpetuating their religious tenets. They believed in education and

<sup>1</sup>Joseph Smith, *History of the Church of Jesus Christ of Latter-day Saints, Period I, Vol. IV*, p. 301.

<sup>2</sup>*Times and Seasons*, Vol. II, p. 632.

knew its efficacy in maintaining their solidarity of purpose; moreover, they were acquainted with the Nauvoo plan of organization and administration and at once recognized the value of highly centralized school supervision. One of the first acts passed by the Legislative Assembly of the state of Deseret was, therefore, the ordinance providing for a method of educational control. On February 28, 1850, the assembly incorporated the University of Deseret. The powers of the university were vested in a chancellor and twelve regents. The chancellor was made the chief executive officer of the university and chairman of the board. This administrative body was given all the rights necessary to carry out the intent of the Legislative Assembly.

Like the University of the City of Nauvoo, the University of Deseret had a two-fold purpose: it was an institution of learning; but perhaps even more important, it was a plan of administering all education. The institution of learning was established in Salt Lake City beginning in November, 1850, with the regents of the university holding broad administrative powers. They had the right

. . . . to transact . . . . all business needful to the prosperity of the University, in advancing all useful and fine arts and sciences; to select and procure lands; erect and purchase buildings; solicit donations; send agents abroad; receive subscriptions; purchase books, maps, charts, and all apparatus necessary for the most liberal endowment of any library, and scientific Institution; employ professors and teachers; make by-laws, establish branches of the University throughout the State; and do all other things that fathers, and guardians of the Institution ought to do.<sup>3</sup>

Despite the willingness of the assembly to enact a law appropriating \$5,000 (later repealed), the people of Utah were unable to operate such a school at that time, and the teaching-learning function of the university soon terminated. But the university as a method of organized control of the schools throughout the Utah colonies continued. Their relationship to common school education may in part be noted by the stipulation in the Organic Act that they could "establish a free school Institution for the benefit of orphans, and other indigent worthy persons."<sup>4</sup>

*Territorial superintendent appointed by and responsible to university chancellor and regents.*—Slightly more than a year after the University of Deseret was instituted, the Legislative Assembly

<sup>3</sup>"An Ordinance Incorporating the University of the State of Deseret," Sec. 4, Passed by the General Assembly, February 28, 1850.

<sup>4</sup>*Ibid.*, Sec. 13.

(by that time of the territory of Utah) passed a resolution creating the office of the superintendent of common schools. The act specifically stated that the new official should be appointed by "the Chancellor and Board of Regents of the University of Deseret," and declared that in his school supervisory capacity he should be "under their supervision and discretionary control."<sup>6</sup> The chancellor and regents were authorized to "award [the superintendent] such a salary . . . at the expense of the Territory for his services, as they may deem expedient. . . ."<sup>7</sup>

Other laws were enacted, but did not particularly alter the control of the regents. The act that initiated the local school districts and the trustees was passed in 1852. This legislation was amended and enlarged in 1854. In these first laws of the territory both the trustees and the county courts had certain legal responsibilities in the operation of the schools, but these two agencies were at most only secondary to the distinction that characterized the chancellor and the regents. The local trustees were required to arrange for the physical properties of the school: to make available a school house, and to assess and collect a meager tax for this purpose. The court was authorized to divide the county into school districts and to appoint a committee to serve as a teacher-examining board. But the local board of examination was required to make a full and complete report, including number of scholars, money collected and expended, length of school year, and other items thought desirable to "the superintendent of common schools," who in turn was responsible to the regents.

The school law as amended in 1854 made it mandatory for the regents and the chancellor to appoint the superintendent of common schools; and while the 1852 law made no mention of length of tenure for this supervisory officer, the amended act of 1854 specifically stated that he "shall hold his office during the pleasure of said board."<sup>8</sup> In the newer law the superintendent was required "to make an annual report to the regency," and to give bonds "with approved security to the chancellor of the University of Deseret."<sup>9</sup>

*The Legislative Assembly's intent of the functions of the university chancellor and regents.*—As indicated above, the major function of the university regents and chancellor was not to operate the university as an institution of learning, but to give supervisory

<sup>6</sup>Acts, Resolutions and Memorials Passed by the First Annual and Special Sessions of the Legislative Assembly of the Territory of Utah. Approved October 4, 1851.

<sup>7</sup>Ibid.

<sup>8</sup>Laws of the Territory of Utah, 1854, ch. 94, sec. 1.

<sup>9</sup>Ibid., sec. 6.

control to education throughout the Utah settlements. This was clearly obvious by the beginning of the year 1856. Before that date the meager advanced training offered by the University of Deseret had ended and it was evident that such an institution could not survive at that time. On January 3, 1856, the Legislative Assembly passed a resolution amending the original act of 1850 which provided for the appointment of the regents to serve one year of time. In the amended act the chancellor and the regents were to "hold their office for the term of four years, and until their successors are elected and qualified."<sup>9</sup> That it was the general intent of the Legislative Assembly for the chancellor and regents to give over-all supervision to education throughout the territory may be noted further by several of Governor Young's messages to the assembly. In 1853 he said the regents "have exerted a genial influence in behalf of education . . . and given an impetus to the organization and maintenance of common schools. . . ."<sup>10</sup> In 1854 the governor declared that the law-making body had "invested the regents with full power and authority to act in relation to education."<sup>11</sup>

As indicated above by Governor Young, the regents were expected to do all things beneficial for the educational welfare of the territory; therefore, wherever schools were in operation these officials were authorized to direct and administer them. And in those instances where schools were still non-existent, the chief school officers were to assume the responsibility of initiating them. The rapid growth in population in the Utah valleys presented an educational problem for the settlers. People were urged, however, to refer their school problems to the "regency of the University."<sup>12</sup>

By 1860 it was apparent that someone who was better qualified than the local trustees might well be appointed to give increased supervision to the schools of the settlements, and at the same time retain immediate contact with the officials who were appointed to give general supervision to the entire school program. At that time the Legislative Assembly passed an act creating the office of county superintendent of schools. This official was required to give general supervision to the schools within the county and to make reports (the detailed report forms were made a part of the law) to the territorial superintendent of common schools.<sup>13</sup> In

<sup>9</sup>*Acts, Resolutions and Memorials Passed at the Fifth Annual Session of the Legislative Assembly of the Territory of Utah, January 3, 1856.*

<sup>10</sup>Brigham Young, "Governor's Message" to the Legislative Assembly of the Territory of Utah for the Third Annual Session.

<sup>11</sup>Brigham Young, "Governor's Message" to the Legislative Assembly of the Territory of Utah for the Fourth Annual Session.

<sup>12</sup>*Deseret News*, Vol. 1, October 19, 1850.

<sup>13</sup>*Laws of the Territory of Utah*, 1860, ch. 6, sec. 3.



keeping with the intent of the Legislative Assembly in the original school laws, all modifications of and additions to the school organization in Utah were made in such a way that a strong and approved centralized control of education could be maintained.

*Regent control through instruction.*—It was the plan of those who created the University of Deseret that a single, unified, system of education should develop throughout the territory, with the university serving as the head. The "instruction" portion of the university was referred to as the Parent School. This officially opened on November 11, 1850, under the "supervision of Professor Orson Spencer, serving as the first chancellor."<sup>14</sup> The report states that the board of regents employed "Dr. Collins, A.M. . . . who will instruct in all branches. . . ." <sup>15</sup> The local newspaper gave considerable publicity to this event.

On February 6, 1851, Orson Spencer, chancellor, and W. W. Phelps, a prominent regent, wrote a statement "by advice and direction of a vote of the Board of Regents of the University of Deseret" reporting that "the second term of the Parent School" would commence "in the upper room of the State House on Monday the 17th. . . ." <sup>16</sup> Beginning with this term the officials admitted "male and female scholars in all the necessary branches of education, usually taught in such institutions."<sup>17</sup> With the initiation of the Parent School the two-fold purpose of the University of Deseret became obvious. The specific aim of the regents for the instructional phase of the university is noted in the following brief statement: "The object of the Parent School is to qualify teachers for the District or Ward Schools, and then for a higher order of schools. . . . that there may be a uniformity in the method of teaching throughout Deseret."<sup>18</sup>

*Control of subject matter content by the regents.*—The leaders of the early Utah settlements never lost sight of the need for religious instruction to the oncoming generation. The underlying purpose of the entire colonizing plan under Brigham Young was to establish an empire in western America where the religious tenets of Mormonism would not arouse the ill-will of those who disbelieved. The religious leaders of Utah were also the directors of education, and the theological influence of these regents may

<sup>14</sup>*Deseret News*, Vol. I, November 16, 1850.

<sup>15</sup>*Ibid.*

<sup>16</sup>*Deseret News*, Vol. I, February 8, 1851.

<sup>17</sup>*Ibid.*

<sup>18</sup>*Deseret News*, Vol. I, 1850.

be noted in a number of newspaper articles, customarily signed by "one of the Regency." The first sentence in one such article follows:

If your children should adopt the practice in very early life to take a little gospel to school and apply it to getting an education, the experience might be worth something to them in riper years. . . .<sup>19</sup>

The *Deseret News* contains many references through the 1850 decade to the work of the regents as they travelled about instructing the people in their educational problems in the various settlements.

*Concern of the regents for appropriately qualified teachers.*—Many of the first regents of the university were well educated for the time in which they lived; but they recognized the fact that because of the distance that separated them from established eastern communities and educational institutions, it was imperative that they strive to train their own future educational leaders. This they attempted to do through the Parent School and through other organized methods. From time to time teacher instruction meetings were held under the supervision of the regents. "At these meetings" one of these school directors said, "We wish the teachers to propose and discuss briefly those questions that are pertinent to their occupation; to relate their mode of teaching and governing, and prominent results of their observations."<sup>20</sup>

The regents made descriptive lists of the personal qualifications they thought to be essential for teaching success. They wrote about school methods and provided diversified means of teacher training. One notation contains the announcement that "A course of lectures from the Regency is confidently looked for before many weeks, from which it is fervently hoped that the schools of the Territory will receive a good impulse."<sup>21</sup>

These central school officials assisted in approving teachers through examinations, although this was legally the duty of the county courts and the examining boards. The regents admonished those who failed to attain an approved achievement on the examinations to continue to study, declaring that they "could and should improve and at the end of the year . . . pass a more extended examination."<sup>22</sup>

The regents entered enthusiastically into all phases of the school program. They were concerned with the "selection of

<sup>19</sup>*Deseret News*, Vol. III, November 12, 1853.

<sup>20</sup>*Ibid.*, December 11, 1852.

<sup>21</sup>*Deseret News*, Vol. III, November 12, 1853.

<sup>22</sup>*Ibid.*, December 11, 1852.

books. . . . , the best system of school government. . . . , proper lighting, warming and ventilating rooms, and the proper construction and arrangement of seats and desks; and many other items of a kindred character."<sup>23</sup>

*Broad administrative power given the regents.*—It was the intent of the Legislative Assembly to give the university regents and the chancellor broad administrative powers. People were told that the plan was to avoid any legal curtailment or limiting restrictions. This may be noted in the following:

It will readily occur to the minds of many that the ordinary mode in the State is to prescribe by enactment the duties . . . [of the school officials,] and it may be asked, why leave the discretion with the Chancellor and Board? A short answer to the wise would be, because we prefer a living constitution to a written law when we can have it. Another is, because we deem it good policy to have a uniformity of books in our primary schools, and of the best kinds; as near as possible the best methods of communicating information; the best system of school government. . . . It is generally supposed there is wisdom with the wise hence the discretion left with the Chancellor and Board to council and direct for the attainment of the above desirable objects in our judgment good and a child can be taken from the first step, by a regular system constantly improving with experience, until he graduates at the University.<sup>24</sup>

Inferentially the above admonition does not encourage the people to question the nature of the existing organization, but to approve it, in the belief that through this centralized agency the entire school system of the territory could be controlled and administered in the direction thought desirable by the civil, church, and educational leaders.

Members of the board of regents were occasionally given specific school assignments. Such an administrative policy would preclude neglect of any school and would distribute the executive and supervisory duties. On November 24, 1853, the following members of the regency were assigned to the schools in the wards designated:

The Regents of the University will visit the Wards of the City in the following order, interchanging labours at discretion:

President Orson Hyde—7th and 9th Wards

P. P. Pratt—13th and 10th Wards

John Taylor—18th and 11th Wards

Wilford Woodruff—19th and 12th Wards

E. T. Benson—17th and 1st Wards

Albert Carrington—14th and 2nd Wards

<sup>23</sup>*Ibid.*

<sup>24</sup>*Ibid.*

D. H. Wells—16th and 3rd Wards  
 W. W. Phelps—15th and 4th Wards  
 W. I. Appelby—8th and 6th Wards

These assignments were written "by order of the Board," and signed by Orson Spencer and G. D. Watt.<sup>25</sup>

At a later date the following allocation of regents to their educational tasks, together with the significant accompanying instructions, was made:

The following wards are assigned to the Regents of the 'University of the State of Deseret,' and their assistants, as the field of their labors for the promotion of education in Great Salt Lake City:

Orson Hyde, Chancellor—4, 5 and 6th Wards  
 Geo. A. Smith, Regent—14 and 15th Wards  
 Lorenzo Snow, Regent—3, 11 and 12th Wards  
 Wilford Woodruff, Asst.,—12 and 18th Wards  
 Hon. Elias Smith, Regent—9 and 10th Wards  
 Wm. W. Phelps, Regent—8 and 16th Wards  
 Albert Carrington, Regent—17th and 19th Wards  
 John Vance, Regent—1, 2, and 7th Wards

Gentlemen:—You are expected to enter upon your respective fields of labor without unnecessary delay:

First, make yourselves acquainted with the legal powers conferred on you by the character of the above institution. Consult the legislative enactment of the Territory respecting schools, and also the ordinance of the City touching the same; that while you are conscientiously acting in the discharge of your duties under the higher laws of morality and religion, you may also act in accordance with the municipal laws of the Territory which are designed as aids to enforce the great principles of moral and intellectual improvement.

Second—See that competent schools are established in each Ward or District on a scale extensive enough to accommodate all the scholars of said Wards or Districts; and keep a watchful eye upon the character of the Schools, the manner in which they are conducted; and suggest any improvement that you may discover necessary. Advise with the Trustees, and act as their aids and counselors in their duties and responsibilities.

Third—Enjoin it upon the Trustees and Board of Examination to make it an indispensable requisite in teachers to forthwith qualify themselves to teach the Deseret Alphabet in their respective schools.

Fourth—It is expected that the Regents . . . who may visit the various towns and settlements in the Territory, together with such agent or agents as may be sent by the Board, will teach and enforce these principles in all their circuits. . . .

By order of the Board of Regents  
 Orson Hyde, Chancellor pro tem.  
 Geo. D. Watt, Sec'y.<sup>26</sup>

<sup>25</sup>*Deseret News*, Vol. III, November 24, 1853.

<sup>26</sup>*Deseret News*, Vol. IV, December 7, 1854.



While several of the towns had been given charters in 1851 in which provision was made for the city council to provide for the establishment and operation of schools, the fact remains, as noted by the above assignments to the schools in Great Salt Lake City, that these so-called city-initiated schools were subject to the administrative control of the regents and the chancellor, as were the schools elsewhere in the territory. Likewise, the administrative control of the regents to the city-chartered schools may be noted in the case of Provo. On February 2, 1855, Geo. A. Smith wrote to Orson Hyde, chancellor, and to the regents and reported:

On Tuesday, Jan. 23rd, I visited the City Council of Provo City, and requested them to make a report of the number of scholars in that city, the number of scholars attending school, and the number not attending. I received the enclosed report on the 31st inst., and forward the same to you. . . . [signed] Geo. A. Smith.<sup>27</sup>

Within this report George A. Smith asserted that he "delivered an address to about 400 people in Provo City, on the subject of Education." Moreover, he declared that the schools of Provo "are behind any other in the Territory that has come under my knowledge" and said, "If some of the Regents of the University would make them a visit, it would no doubt be attended with beneficial results to the cause of education."<sup>28</sup>

Lucian N. Scovil "in behalf of the City Council" made the "requested" report "to the Board of Regents of the University of Deseret." The report indicated the number of children between the ages of five and twenty years, the number of schools in the city of Provo, and the number of scholars at each school. It likewise furnished the information of the number of scholars whose parents were unable to pay for their schooling.<sup>29</sup>

Chancellor Orson Hyde received the information from Mr. Scovil and sent it, with a significant comment by way of criticism of the city of Provo for her indifference toward education, to the *Deseret News* for publication. He added:

I would say to them [at Provo]; be less anxious to line your pockets with gold; and much more anxious to adorn and enrich the minds of your children,—your young men and maidens with the treasures of a virtuous and enlightened Education which no adversity can rob them of, and no circumstances or condition in life in which this ornament will not show an additional lustre upon the person who possesses it.<sup>30</sup>

<sup>27</sup>*Ibid.*, November 30.

<sup>28</sup>*Ibid.*

<sup>29</sup>*Ibid.*

<sup>30</sup>*Ibid.*

All organized education whether public or private was available to the inspection of the regents. During the first years in the Utah valleys many individuals operated private-venture schools. These were occasionally visited by the regents and invitations were extended through the press for the chief school officials to make inspection. Other organized groups provided for systematic courses of instruction. Lorenzo Snow, serving as the superintendent of the Polysophical Institution, announced on February 8, 1855, that a "systematic course of instruction. . . will be commenced. . ." The offering was to include "the Deseret Alphabet, Spelling, Reading, Writing, Arithmetic, Geography, Grammar, Composition, Declamation, Language, Chemistry, Natural Philosophy, and [others]. . . The classes will be open at all times to the general, and particular inspection of Gov. Young and the Regency."<sup>51</sup>

*University Regents' interest in the Deseret Alphabet.*—Suggestion has been made throughout this chapter that it was the intent of the university regents, the chancellor and the individuals who created this form of educational organization, to direct the education of the people in the Mormon colonies. This highly centralized method of control was utilized to produce two major results: first, it prevented a complete lack of education due to any indifference on the part of the local communities or the trustees; and second, it assured the leadership of the colonies that appropriate subject matter content was available to all children.

The introduction of the Deseret Alphabet has interesting educational implications. Some students of the early Utah settlements are of the opinion that this system of writing was a deliberate attempt to sever all educational connections with the outside world, and as a result thereof, to control more effectively the thinking of the people. While much might have been done in this direction had the alphabet developed to the high hopes of some of its supporters, there is no evidence to justify this extreme claim. The development and use of the alphabet are discussed more in detail elsewhere; hence reference only is made here to indicate the possible control of education by the regents and the chancellor.

This impelling interest in the Deseret Alphabet was apparent in the regents, the ecclesiastical leaders, and the territorial superintendent of public instruction. The alliance to this movement on the part of this latter school official may be noted by the statement in his report dated January 18, 1867. Therein he said, "The super-

<sup>51</sup>*Deseret News*, Vol. IV, February 8, 1855.

intendent takes great pleasure in noting the recent movement of the Board of Regents of the University of the State of Deseret in relation to the adoption of the reform in orthography. . . .<sup>7782</sup>

Campbell reaffirmed his interest in the new alphabet frequently, and gave the regents credit for the progress in this unusual educational endeavor. Governor Young likewise acknowledged the effort of the regents in this innovation. One such expression may be noted in the governor's address to the Legislative Assembly in 1853. He said, "It is moreover an opportune time to introduce the New Alphabet, in forming which, the Regency have performed a difficult and laborious task. I recommend that it be thoroughly and extensively taught in all the schools. . . ."<sup>7783</sup>

During the 1850 and 1860 decades the university regents labored diligently to develop the Deseret Alphabet so that it could be used in publishing educational books. Frequent notations, such as the following, occur. On February 4, 1856, the regents of the university and President Young met at "candle light" and until 10 o'clock planned "the getting up of a first and second reader, for the children of this territory."<sup>7784</sup> Shortly thereafter, a report is made that Wilford Woodruff, serving as a committee member for the regents, had spent most of the intervening week "in making up manuscript for the first books to be published in the Deseret Alphabet."<sup>7785</sup>

The untiring ambition of the regents in their determination to provide educational material in the new characters may be noted by the fact that in March, 1859, University Chancellor Orson Pratt reported to the regents that he and George D. Watt were "copying all the words in Webster's unabridged dictionary, into the Deseret Alphabet for a speller and pronouncer in the Deseret Characters."<sup>7786</sup> At a later date during the same month Governor Young "suggested to Chancellor Pratt the propriety of getting up a juvenile reader, or Book of Mormon speller and Dictionary. . . . These suggestions were laid before the Regency by the Chancellor, and unanimously adopted."<sup>7787</sup>

Certain religious documents were translated in the new alphabet by the regency, and in 1868 two elementary readers were published and made available to the schools of the territory. The

<sup>7782</sup>Robert L. Campbell, *Territorial School Report*, 1866-67.

<sup>7783</sup>Brigham Young, *Governor's Message to the Legislative Assembly of the Territory of Utah*, December 12, 1853.

<sup>7784</sup>*Chronological History of the Latter-day Saint Church*, February 1, 1856.

<sup>7785</sup>*Ibid.*, February 6.

<sup>7786</sup>*Chronological History of the Latter-day Saint Church*, March 14, 1859.

<sup>7787</sup>*Ibid.*, March 21.

regents had long been concerned about the heterogeneity and scarcity of books in the Mormon settlements. They hoped that the publication of new books in the Deseret Alphabet would overcome this serious educational handicap. After struggling for about fifteen years, they were forced to abandon the plan they had so hopefully anticipated would solve one of their major school problems.

*Influences that curtailed the extension of the Deseret Alphabet.*

—During the two decades preceding statehood the people of Utah were troubled by various social, economic, and religious problems. The growing strength of the non-Mormons brought serious educational difficulties. These newcomers were unwilling to subject their children's educational welfare to the existing influence of the Church leaders. Children came to be listed in the school reports as "Mormon" and "non-Mormon." Objections were made by those not within the dominant Church membership to paying taxes for maintenance of school buildings unless a public body established by civil law, and not the Church, held title to the ground and school-houses thereon. Throughout the years this strife existed, the Church operated its own schools, which impelled other denominations to maintain their private schools.

Church influence in education and strong centralized control decreased simultaneously and became almost nonexistent immediately preceding the time the state constitution was adopted. In keeping with the constitutional mandate, a state board of education with general supervisory control of the public schools of Utah came into existence. For almost half a century this body has had general control of all public education below college level. The University of Utah, by law, remains the head of the state school system, but has no directive control of education outside of that institution.



## CHAPTER V

### THE DESERET ALPHABET AS AN EDUCATIONAL ENDEAVOR

#### EARLY ATTEMPTS TO REFORM LANGUAGE INCONSISTENCIES

*Justifications given for the inauguration of the alphabet.*—Certain features of the educational endeavor in early Utah were distinctly different from education elsewhere. Probably the most unique of these was the zealous attempt of the university regents and other prominent educational and ecclesiastical leaders to introduce the Deseret Alphabet into the schools of the territory. Characteristics peculiar to the schools of the Great Basin colonists made this novelty possible. Utah was isolated from other states and territories and inhabited by people who wholeheartedly desired to maintain this isolation. Some have assumed that it was the intent of the colonial leadership of Utah to invent a new language for the express purpose of perpetuating a unity of thought and a solidarity of purpose among the colonists. The available evidence scarcely justifies this assumption, but the social and religious unity of the people was conducive to the acceptance of such an innovation. The plan emerged from within the leadership of the regents of the University of Deseret. These men and the territorial superintendent of schools, in the main, were the originators and the advocates of the new characters, and they urgently recommended the adoption of the alphabet because of an apparent belief that it had distinct educational advantages. Its significance to Utah's early education can best be understood by a brief analysis of its development.

The plans of a new system of writing and improved orthography antedates the settling of Utah. It grew out of a general reform movement of the English language that preceded the time the Mormons established communities in Ohio, Missouri, or Illinois. Many students of the language recognized the lack of phonetic consistency and were attempting reform. The incongruities of spelling compared to pronunciation, as well as the cumbersomeness in writing, impelled Isaac Pitman, of England, to invent a method of shorthand writing. Pitman and others of his time in the early part of the nineteenth century revised original attempts until methods of shorthand writing which were acceptable evolved and became relatively commonplace.

*Interest of George D. Watt in language reform.*—It so happened that one George D. Watt, of England, developed some skill in phonography and therewith became interested in methods of shorthand writing. This individual later joined the Mormon Church and migrated to the United States to be associated with the Mormon colony, which was at that time located at Nauvoo, Illinois. Watt was given the assignment of recording the official acts of the church. In this he evidently became rather expert; and, because of his ability, many of the discourses of the Mormon leaders of that date have been preserved. Record is made that on June 1, 1845, the Nauvoo officials met "for council" and on that date "voted, that the Trustees give Geo. D. Watt a quarter of a lot and build him a house and employ him as a reporter for the Church and let his labors go toward paying for his house and lot."<sup>1</sup>

#### SPECIFIC INTEREST IN THE DESERET ALPHABET

*Watt's influence on the regents.*—Watt served as the official church reporter for many years and in that capacity became close to Brigham Young and the educational leaders in Utah. His immediate influence upon the university regents may be determined only by inference. However, early in the 1850 decade, Watt had the regency members and Governor Young earnestly investigating the values that might be derived from the adoption of a new alphabet. Beginning in 1853, and for more than a decade following, the *Deseret News* contained a series of editorials and reprints of the proposed system of new letters. Early records substantiate the fact that numerous meetings were held by the regents in which many hours of study were devoted to plans for utilizing the alphabet in the schools of the Mormon colonies.

*Governor Young developed interest in proposed alphabet reform.*—When the Legislative Assembly convened in 1853, Governor Young presented the problem incident to the language reform to the law-making body and said, "if something of this nature [referring to the proposed alphabet] could be introduced and brought into general use, I consider it would be of great utility in the acquirement of our language."<sup>2</sup> The governor declared that the "Regency are deeply engaged in investigating this interesting subject," and

<sup>1</sup>Chronological History of the Latter-day Saint Church, June 1, 1845.

<sup>2</sup>Brigham Young, "Governor's Message," *Journal of the Legislative Assembly of the Territory of Utah*, 1853.

thought it likely that "they may be able to produce something that will prove highly beneficial."<sup>3</sup>

Governor Young's attitude toward the new alphabet and its value if introduced in the territorial schools may be noted from his message to the Legislative Assembly in 1854:

It is moreover an opportune time to introduce the New Alphabet, in forming which, the regency have performed a difficult and laborious task. I recommend that it be thoroughly and extensively taught in all the schools combining, as it eminently does, a basis of instruction for the attainment of the English language, far surpassing in simplicity and ease any known to exist.<sup>4</sup>

The anticipated contribution the reform in the English language would make to the Utah founders who were dependent for growth upon converts from foreign nations, and the perpetuation of their theological tenets, is depicted in an editorial in the *Deseret News* in 1853:

We have observed the frequent sittings of the Board of late that has fatherly supervision of education in the Territory of Utah, and are happy to learn that their discussions are calculated to call forth a searching investigation into the elementary sounds of language. . . . The Governor and other members of the First Presidency find time, in the midst of all their onerous duties to mingle in these meetings. The traditions that have come through the misty labyrinths of past ages are most powerfully assailed by the Governor, whose keen eye looks with suspicion upon the corruptions and perversions of language which was originally pure. Thus far it appears that the present orthography of the English language is too full of absurdities to be tolerated by an enlightened people without a gradual and complete reformation. . . . Now in the present stage of discussion it is proposed by some to change a small portion of the English alphabetical characters and attach invariable certainty to the sounds of others, in order that words may be palpably shortened, and the spelling becomes natural and simple and easily acquired. Others are for carrying the reformation still further, thinking that a people of progressive intellect will not be contented with only a partial reformation, and that it requires an entirely new set of alphabetical characters to effect a clean handsome reformation that will be abiding. All seem to be agreed that both the written and printed language should be one and the same. . . . One thing seems quite certain in regard to language—especially the language of this people; it ought to be adapted to the urgency of these peculiar times. . . . Can it be expected that the Apostles at Great Salt Lake City will speak by the immediate power of God so that people of every nation and language will forthwith understand them? Or should we rather look for the power and wisdom of God to be displayed in forming a simple, easily acquired language, in which barbarians and Christians, bondmen and freemen, of every grade of intelligence, out of every tribe, caste, language, and country, can, in a short time,

<sup>3</sup>*Ibid.*

<sup>4</sup>Brigham Young, "Governor's Message," *Journal of the Legislative Assembly of the Territory of Utah, 1854*.

interchange their sentiments and praise God unitedly in spirit and understanding?

If such a language is ever demanded at all, it seems to be required without delay, even now. It is not for a future generation, but for the present. Now the people are gathering, and the varied and most general influx of the diverse tribes, nations, kindreds, and tongue, is even at our doors. . . . Can we suppose that a few interpreters will answer the demands of a constant intercommunication between several thousand languages? . . . Should not that language be such as can be acquired by the most ordinary minds within a few days or months at the outside? Now is it possible to simplify and reduce the English language or in any way remould it so as to answer the emergency that awaits the saints of this generation? Tell us ye wise men! Will the old bottles answer for the deposit of the new wine? The English language may be as good as any other known language, but is there any other known language whatever fitted to meet the great emergency of the great gathering and great work of teaching the law of the Lord to all people? Let wisdom speak, and her voice shall be heard.<sup>5</sup>

*Special schools to teach the Deseret Alphabet.*—By 1854 the territorial leadership, whether acting in civil or religious capacity, determined to use the schools as the agency in establishing the Deseret Alphabet as the accepted pattern of spelling, writing, and reading among the people. Evening schools were maintained for the purpose of “teaching the Deseret Alphabet.”<sup>6</sup> The determination of the church leaders to place the alphabet in common usage may be noted by the fact that as early as February, 1855, it became a general policy to use this method of writing in keeping records, and at that time “Elder B. B. Messenger was engaged [in] teaching the Clerks of the Historian’s Office the Deseret Alphabet.”<sup>7</sup>

It was the intent of the regents and Governor Young that all the colonists in the Great Basin should acquire skill in the use of the new alphabet. In March, 1855, the records show that one Mr. Milner was endeavoring to carry out this intent for he had “taught the ‘Deseret Alphabet’ to 150 scholars at Provo, 60 at Lehi, 28 at American Fork, 25 at Mountainville, 28 at Pleasant Grove and 22 in Provo 1st Ward.”<sup>8</sup>

The perseverance of the regents who controlled all organized education in the territory of Utah is shown by the fact that classes were established in many of the communities of the territory. Likewise, this subject of study was among the first to claim place in the educational offerings of the university when it was organized as an

<sup>5</sup>*Deseret News*, Vol. III, November 24, 1853.

<sup>6</sup>*Chronological History of the Latter-day Saint Church*, December 4, 1854.

<sup>7</sup>*Ibid.*, February 7, 1855.

<sup>8</sup>*Ibid.*, March 11.



institution of instruction in 1867. The following statement appearing in the *Deseret News* in 1868 depicts these two facts:

It is satisfactory to learn of the progress made in the dissemination of this valuable art in the cities and settlements throughout the Territory. We learn that Br. John B. Milner is teaching a couple of classes, numbering about forty pupils, in Provo. Classes have been taught by Br. George Burgon in Farmington, Kaysville, Ogden, North Ogden, Plain City and Willard. In Cache Valley a number of classes are being taught, in Logan and other places, and more are being formed in various places north. In this city, it is being taught by several phonographers, and is a branch communicated in the Mercantile Department of the Deseret University, where Br. George D. Watt is the teacher.<sup>9</sup>

The insistence of Governor Young and the board of regents upon initiating this plan of writing and reading may further be noted by the fact that the governor wanted a book in the hands of every child "in this Territory printed in the Deseret Alphabet."<sup>10</sup> Early chronology of the church depicting important events of the times states that the governor and the regents frequently spent three evenings per week, either in learning the alphabet themselves, or in planning an educational program in which this innovation would become a part of the regular culture of the settlers.<sup>11</sup> A blackboard was prepared for these leaders as an aid in their study, and customarily they "spent the evening. . . writing in the Deseret Alphabet on the blackboard for exercise."<sup>12</sup>

The extreme enthusiasm on the part of the governor is evidenced by the fact that he ordered his personal history record to be kept "in the Deseret Alphabet and was well pleased with it."<sup>13</sup> His opposition to printing any educational books in the English language was made known when the territorial superintendent of schools prepared an elementary book for publication and presented it to the governor for examination, whereat "the President emphatically said he would not consent to have his type, ink or paper used to print such trash which he considers such work to be, seeing they are in the English characters. He wishes the Deseret Characters to be patronized."<sup>14</sup>

*Cultural and church auxiliary agencies enhance the usage of the new alphabet.*—By 1855 a number of organizations and associations, serving in reality as auxiliaries to the basic church organization, were giving encouragement to study the new characters.

<sup>9</sup>*Deseret News*, Vol. XIX, January 27, 1868.

<sup>10</sup>*Chronological History of the Latter-day Saint Church*, January, 1859.

<sup>11</sup>*Ibid.*, February 3, 8, 11.

<sup>12</sup>*Ibid.*, February 11.

<sup>13</sup>*Chronological History of the Latter-day Saint Church*, May 3, 1860.

<sup>14</sup>*Ibid.*, May 22, 1862.

George D. Watt conducted various classes and gave lectures to these "self-improvement" societies. Among these were the Theological Institute and the Typographical Association. The latter organization gave considerable study to the alphabet and appointed a committee to draft a resolution expressing the views of the society toward the innovation. This resolution declared that "the Regency of the University of Deseret, assisted by the First Presidency of the Church of Jesus Christ of Latter-day Saints, have invented a new alphabet."<sup>15</sup> Declaration was made that the alphabet was "rendering more definite the pronouncement of words, and more easy the acquisition of other languages, and lessening to a very great extent, for the rising generation, the labor of learning to read."<sup>16</sup> The resolution was unanimously adopted and the services of George D. Watt were procured as teacher to instruct the membership. Members of the association corresponded in the new characters. So enthusiastic became Brigham Young over the educational growth of the membership of this society that he proposed that they take "measures for the speedy formation of a library."<sup>17</sup>

*Support of the territorial school superintendent to the Deseret Alphabet.*—The early documents dealing with educational problems are replete with the fact that Territorial School Superintendent Robert L. Campbell, who was prominent in church and civil affairs in the young territory, was an ardent advocate of the inauguration of the Deseret Alphabet in the schools. He was a member of the Typographical Association, and on October 4, 1855, he displayed his enthusiasm for the new learning by exhibiting "a letter. . . written in the new alphabet, the writer being unable to write in the common style, and having received but six lessons in the new."<sup>18</sup>

Campbell's interest in the new alphabet may partially be explained by his serving in an official educational capacity where his major problem and concern was the effective operation of the schools. Isolated as they were, the Mormons possessed but a very scant number of textbooks for school purposes, for the long distance across the plains and mountains from the Missouri River had prohibited freighting an adequate supply of books. And while the Utah settlers lost no time in setting up printing devices, still a genuine dearth of these school supplies was common throughout

<sup>15</sup>*Chronological History of the Latter-day Saint Church*, August 2, 1855.

<sup>16</sup>*Ibid.*

<sup>17</sup>*Ibid.*, September 6.

<sup>18</sup>*Ibid.*

all the communities of the territory. The few books that were to be found were so heterogenous in content that they had but little value to instructors in teaching groups of children. This situation is well depicted by an article appearing in the *Deseret News* of November 9, 1859.

We have lately received a communication from Mr. Charles D. Evans. . . . of Utah County, on the subject of education in which he complains as others do and have done about the almost endless variety of school books in use in the common schools in the Territory; and says, that if something could be done to obviate the difficulty under which teachers and pupils now labor in consequence of having about as many kinds of reading and other books in a school as there are scholars, it would be of incalculable benefit to all concerned, far more than many who have not had experience in such matters might suppose.<sup>19</sup>

Mr. Evans was prominent in early education in Utah, becoming the first county superintendent of Utah County schools in 1860. In this position he was closely connected with the schools and could observe the problems arising from an insufficient number of textbooks.

Repeatedly Superintendent Campbell talked and wrote of the educational handicaps due to the inadequacy and to the diversification of books used in the schools. In his 1863 report to the governor and the Legislative Assembly he asserted, "The great difficulty in school matters here is a lack of uniformity of textbooks, which renders the labors of the Teacher very arduous, without corresponding benefits to the pupil."<sup>20</sup> Likewise, the following year this chief school officer said, "One of the greatest obstructions to our educational interests has been a lack of uniformity of text books."<sup>21</sup> This complaint continued in Campbell's reports over a prolonged period of time. The continued shortage of suitable textbooks for educational purposes was undoubtedly the impelling motive for his interest in the *Deseret Alphabet*. As an educator this leader and administrator recognized the absurdities in the orthography of the English language, and from the time he began writing his educational reports he expressed his enthusiasm for this language reform. In 1867 he said:

The superintendent takes great pleasure in seconding the efforts of President Brigham Young and the Board of Regents of the University of Deseret, in the introduction of the *Deseret Alphabet*. That English orthography needs

<sup>19</sup>*Deseret News*, Vol. IX, November 9, 1859.

<sup>20</sup>Robert L. Campbell, *Territorial School Report*, 1863.

<sup>21</sup>Robert L. Campbell, *Territorial School Report*, 1864.

reform is patent to all who have given the matter the slightest consideration. To follow in the footsteps of our venerated fathers in a system of orthography so inconsistent and ridiculous and which has never helped to make the comers thereunto perfect, is unworthy of a people whose constant and highest aspirations are to be associated with truth and intelligence, and who discard error in whatever form it is presented.<sup>22</sup>

Time and again Superintendent Campbell referred to the advantages of the Deseret Alphabet within this report. He admitted it would be an "herculean effort to attempt to reform the English orthography," but insisted, "it is a reform. . . in keeping with the progress of the age" and so much a "blessing to our children, that we should recant to ourselves and to the cause of truth did we not unitedly take hold of the subject."<sup>23</sup>

In his report to the Legislative Assembly for the year 1868, Superintendent Campbell argued throughout his writings for the adoption of the Deseret Alphabet. After this extensive treatise he concluded his annual report with the following words:

To discuss further this matter in an annual report would be inappropriate, but as the subject of orthography meets us at every step in the school-room, and as laudable efforts are being put forth to introduce this important and indispensable reform, the Superintendent could not do less than endorse a movement which augurs so much good to the cause of education. Could sufficient reasons be assigned for following in the footsteps of the fathers in this false system of orthography, we might forbear an innovation which completely upsets the present system, but to hold on to the same, and weave the web of inconsistency and falsehood around the feet of the present and future generations which tradition and learned bigotry have woven around the past, would be to allow our children to turn around and have it truthfully to say of us as we can of our ancestors.

Surely our fathers have inherited lies, vanity, and things wherein there was no profit.<sup>24</sup>

In his report for 1869, Campbell declared to the Legislative Assembly that in his official capacity as territorial superintendent he had visited the schools under his supervision and that he had advocated the "introduction and adoption of the Deseret characters and system of orthography in our common schools." He further declared that the "teachers feel alive to the importance of the subject, and that the school authorities, in every district visited, have given it their hearty endorsement."<sup>25</sup> He recommended that the newspapers and periodicals of Utah as of that date use

<sup>22</sup>Robert L. Campbell, *Territorial School Report*, 1868.

<sup>23</sup>*Ibid.*

<sup>24</sup>*Ibid.*

<sup>25</sup>Robert L. Campbell, *Territorial School Report*, 1869.



the Deseret characters exclusively. Moreover, he requested that the Legislative Assembly "appropriate two thousand dollars to be expended in getting up a spelling book or elementary dictionary."<sup>26</sup>

*Coordinating education and religion through the Deseret Alphabet.*—Education and religion were closely associated in early Utah, for the educational leaders were also prominent church men. When the regents of the University of Deseret traveled about the territory they lectured to the people on both religious and educational topics, but these educational supervisors never lost an opportunity to acclaim the values that would be derived from the introduction of the Deseret Alphabet into the schools. One report is made of Superintendent Robert L. Campbell and Edward Stevenson traveling in the educational and religious interests of the people "in the counties of Juab, Millard and Sanpete." The following is descriptive of the faith they possessed in the value of the Deseret Alphabet, if introduced among the converts to the church:

The introduction of the Deseret Alphabet was a leading topic in their preaching, the incongruities and inconsistencies of the present system of orthography forming the subject of many a language joke, while illustrating the advantages of the Deseret system of reading and writing. The Scandinavians hail the new system with much pleasure. The prevailing method of English orthography, on account of its many silent letters, they find difficult to master, and look upon it as inferior to their own; but by means of the Deseret Alphabet they see a means of greatly facilitating their acquisition of the English language.<sup>27</sup>

The close cooperation between the school and church officials for the well-being of the converts who came from other national and language groups, may be noted by the fact that adult schools were provided in certain communities for the express purpose of teaching these foreigners the Deseret Alphabet. Many of the Scandinavian people settled in and about Ephraim, and the effort expended in teaching the adults of that community the new characters is shown in the following report:

Fort Ephraim.—Brother John Action, Fort Ephraim, writing on the 15th inst., says three day schools have been in session during the winter at that place with an attendance of about 200 pupils. Night schools have also been well attended. Phonetics are receiving considerable attention among the people of the settlement. About 140 copies of the First and Second

<sup>26</sup>*ibid.*

<sup>27</sup>*Deseret Evening News*, Vol. I, December 10, 1868.

Deseret Readers have been sold, and in about a month the scholars will be prepared for something more advanced.<sup>28</sup>

At times during the early territorial history of Utah the ecclesiastical leaders attempted to coordinate an educational program in which the Deseret Alphabet was emphasized with that of religious conversion and theological instruction for the general welfare of the Indians. One such incident is described by Marion Shelton in the following note:

I employ my time in studying the language, and in instructing them in the Deseret Alphabet. I find that I acquire the language very readily, and those to whom I have given lessons have taken right hold of the alphabet and several of them know the first six characters. . . . , and we can hear them hollowing the sounds throughout the village. . . .<sup>29</sup>

*Attempts at publications.*—For more than a decade attempts were made to publish one or more books thought to have had value in meeting the educational needs of the time. One notation was made that on February 1, 1859, "a portion of a chapter in Matthew (Christ's Sermon on the Mount) was ordered to be prepared in the Deseret Alphabet."<sup>30</sup>

The church chronology states that on February 4, 1856, the regents of the university and President Young met at "candle light" and until ten o'clock planned "the getting up of the first and second reader, for the children of this Territory."<sup>31</sup> Shortly thereafter, report was made that Wilford Woodruff, serving as one of the appointed committee for the regents to prepare territorial school readers, had spent most of the week "in making up manuscript for the first books to be published in the Deseret Alphabet."<sup>32</sup> Three weeks later, "Elder Woodruff, chairman of the committee for preparing matter for school books in the Deseret Alphabet, reported quite an amount of readiness for revision preparatory to being copied."<sup>33</sup>

Numerous obstacles prevented immediate utilization of the new alphabet in the preparation of school books. The type prepared locally did not satisfy the leaders, and decision was made at one time to have the type cast in England.<sup>34</sup> Considerable

<sup>28</sup>*Deseret Evening News*, Vol. II, March 15, 1869.

<sup>29</sup>*Chronological History of the Latter-day Saint Church*, November 30, 1859.

<sup>30</sup>*Ibid.*, February 1.

<sup>31</sup>*Chronological History of the Latter-day Saint Church*, February 1, 1856.

<sup>32</sup>*Ibid.*, February 6.

<sup>33</sup>*Chronological History of the Latter-day Saint Church*, February 25, 1856.

<sup>34</sup>*Chronological History of the Latter-day Saint Church*, February 16, 1859.

printing was done when a report was made that "the works that we formerly compiled are all lost."<sup>35</sup> Temporary obstacles, however, were surmounted; and, on November 25, 1858, "the Board made arrangements for the printing of the Deseret Primers."<sup>36</sup> Less than a week passed before "the brethren were. . . examining lessons in the Deseret Primer,"<sup>37</sup> and in a similarly ambitious manner announced that by February, 1859, they intended "to get up a Speller containing all the words in Webster's Dictionary."<sup>38</sup> This latter project was seriously undertaken and in March, 1859, University Chancellor Orson Pratt reported to the regents of the university that he and George D. Watt were "copying all the words in Webster's unabridged dictionary, into the Deseret Alphabet for a speller and pronouncer in the Deseret Characters."<sup>39</sup> Utilization of the schools, not only in perpetuating the theology universally approved by the settlers, but also in attempting to establish the proposed alphabet, may be noted by the fact that on March 21, 1859, President Young "suggested to Chancellor Pratt the propriety of getting up a juvenile reader, or Book of Mormon speller and Dictionary. . . . These suggestions were laid before the Regency by the Chancellor, and unanimously adopted."<sup>40</sup>

Regardless of the efforts of the regents and those associated with them, relatively little was published until the 1860 decade. But in 1868 both the first and the second primer readers were published and given some distribution among the territorial schools. Other major efforts were directed toward church books, with the intent of using them for school purposes. On March 1, 1869, "Elder Orson Pratt, Sr., reported [to the regents] he had finished transcribing the Book of Mormon into Deseret characters," and at that time he was directed to "go east and get the same printed."<sup>41</sup> In September of that year declaration was made that "the Book of Mormon, entire, is now translated from the ordinary English orthography into Phonetics."<sup>42</sup>

The enthusiasm of the publishers of the *Deseret News* toward the expected benefits from the new alphabet is evident from the statement that the "first and second readers, and now the Book of Mormon on this principle. . . will do more toward

<sup>35</sup>*Chronological History of the Latter-day Saint Church*, November 20, 1858.

<sup>36</sup>*Ibid.*, November 25.

<sup>37</sup>*Ibid.*, November 30.

<sup>38</sup>*Chronological History of the Latter-day Saint Church*, February 16, 1859.

<sup>39</sup>*Ibid.*, March 14.

<sup>40</sup>*Ibid.*, March 21.

<sup>41</sup>*Chronological History of the Latter-day Saint Church*, March 1, 1869.

<sup>42</sup>*Deseret Evening News*, Vol. II, September 28, 1869.

spreading a correct style of speaking English among the polyglottian people of this Territory than anything else ever attempted.”<sup>43</sup>

The task of publishing in a distinctly different alphabet all of the educational books for the schools and the general reading of the people was a gigantic one. The implications herein are probably unique in American education. Could this ambition of the university regents—working closely with the church leadership—have materialized, it would have been an unusually effective method of educational control. There is no doubt as to the wishes of the leaders in refraining from an amalgamation at that time of the Mormons and any other people. The persecution inflicted upon church members preceding their arrival in Utah impelled them to seek isolation. Broadly interpreted, this isolation, with the use of the proposed Deseret Alphabet, could have been intellectual as well as physical. One can only conjecture the possible results, had the alphabet succeeded and all book learning and general reading been through the utilization of these characters of the regents’ creation.

The appropriation of “two thousand five hundred dollars” to be “expended under the control of the chancellor and board of regents in procuring fonts of Deseret type, in paying for printing books with said type. . . .”<sup>44</sup> was only a fraction of the estimated cost of “one million dollars [needed] to furnish books and stationery to educate the people now [1859] in the Territory. . . .”<sup>45</sup> The financial burden seemed excessive, but it was only one of a number of unsolved problems. With the mortal passing of Territorial Superintendent Campbell, Brigham Young, and others, the zest for the Deseret Alphabet declined. Moreover, the settlers were confronted with many other problems emerging out of their religious tenets which occupied their energy and affected the social well-being and economy of the Utah Colonies.

Concurrent with, and following the gold rush to California in 1849 newcomers to Utah gradually increased, and these people opposed the induction of anything into the schools that would prevent reading and instruction in the English language. Because of these incidents, unanticipated when the alphabet scheme first emerged, the interest in the Desert characters as an innovation into the schools of Utah suddenly came to an end.

<sup>43</sup>*Ibid.*

<sup>44</sup>*Laws of the Territory of Utah, 1855, sec. 1 of an Act Appropriating Money to Procure Fonts for the Deseret Alphabet Type.*

<sup>45</sup>*Chronological History of the Later-day Saint Church, January 23, 1859.*



## CHAPTER VI

### THE BEGINNING OF A LEGAL BASIS FOR SCHOOL ORGANIZATION

#### EARLY METHODS OF EDUCATIONAL CONTROL

*Non-legal schools preceding civil government.*—As indicated in earlier chapters, schools were established in Utah before they were made legal by the constitution or statutes. Some of the first schools were private-venture and some were voluntary. The pioneers were concerned about the education of their children, but to enact statutes and thereby organize a school system required time. It was first necessary for some form of civil government to be established and a legislative assembly created that would make provision for school organization and administration. For nearly two years the settlers lived in Utah without any form of civil government, then on March 15, 1849, a convention was called for the purpose of appointing a committee to draft a constitution for the provisional state of Deseret. This committee functioned in keeping with the appointment, and the constitution they proposed was adopted.

*First legal organization provided for university control.*—An act of the Legislative Assembly was approved February 28, 1850, that created the University of the State of Deseret.<sup>1</sup> The powers of the university were vested in a chancellor and a board of twelve regents. The regents were chosen by the joint vote of both houses of the general assembly for a period of one year and "until their successors are qualified." The chancellor was the executive officer of the university and was to act as chairman of the board of regents. These officers acted as "a body corporate, to sue and be sued; [and] . . . as trustees of the university."<sup>2</sup> They were required by law to "establish branches of the university throughout the State; and do all other things that fathers and guardians of the institution ought to do."<sup>3</sup>

It was the intention of those who founded the University of the State of Deseret that it become more than an institution of learning; this university was a plan of organization that was

<sup>1</sup>*Laws of the Territory of Utah, 1850, "An Ordinance Incorporating the University of Deseret."*

<sup>2</sup>*Ibid.*, sec. 4.

<sup>3</sup>*Ibid.*

to be used for administrative purposes of the common schools throughout the provisional state. The general scheme was borrowed from the charter of the University of the City of Nauvoo, established by the Mormons while in that city in 1840. The city council had given the University of the City of Nauvoo authority over "all matters and powers whatever in relation to common schools, and all other institutions of learning within the City of Nauvoo."<sup>4</sup> Likewise, the regents of the University of Deseret assumed leadership of education in Utah. They traveled throughout the state of Deseret and gave administrative direction to schools, thereby becoming a definite part of the organization to effect a school program provided for by law.<sup>5</sup> The university as an institution of learning existed but a short time; however, the chancellor and regents continued to function as administrators and supervisors of education for some time after the so-called "Parent School" was suspended.

*The superintendent of common schools.*—The provisional state of Deseret was supplanted by the territory of Utah in a congressional act passed September 9, 1850. One of the first acts of the territorial legislature was to legalize the legislation of the state of Deseret, until repealed, providing said laws were not in conflict with the Organic Act of the new territory.

Brigham Young was governor of the territory and manifested an interest in the establishment of some form of organization that could put into operation an educational program. In his message to the Legislative Assembly on September 22, 1851, he said:

For the advancement and encouragement of primary schools, I merely suggest at this time, that it is a subject which should attract your early attention; and will add that some system might with propriety be adopted, which, requiring the inhabitants of each neighborhood, consisting of certain families, (to be fixed by law) to maintain a school therein. A superintendent of public instruction, with a fixed salary, might be of incalculable benefit, at this early period of our national existence, in the formation of a uniform system of common schools, as well as an introduction system of public instruction. . . .<sup>6</sup>

The legislative body acted favorably upon the recommendation of Governor Young, and on October 4, 1851, the following resolution was passed by the assembly:

<sup>4</sup>*Charter of the City of Nauvoo.* Found in Joseph Smith's, *History of the Church of Jesus Christ of Latter Day Saints, Period I.*

<sup>5</sup>*Deseret News*, Vol. IV, December 7, 1854. (Contains as example of the manner in which the chancellor and regents functioned as administrative officers outside the university.)

<sup>6</sup>Brigham Young, "Governor's Message," *Journal of the Joint Sessions of the Legislative Assembly of Utah Territory, 1851*, p. 102.

### A RESOLUTION CREATING THE OFFICE OF SUPERINTENDENT OF COMMON SCHOOLS

Resolved by the Governor and Legislative Assembly of the Territory of Utah, That the Chancellor and Board of Regents of the University of Deseret, are hereby authorized to appoint a Superintendent of Primary Schools, for the Territory of Utah, under their supervision and discretionary control, and award such a salary to him at the expense of the Territory for his services, as they may deem expedient: Provided, however, That the salary of said Superintendent shall not exceed the sum of one thousand dollars per annum.<sup>7</sup>

### A LEGAL BASIS FOR THE OPERATION OF CITY SCHOOLS

*City charters.*—The first city charters authorized cities to establish schools at the time of their incorporation. In January, 1851, Salt Lake City was granted such a charter, part of which states, "The City Council shall have power and authority. . . . to establish, support, and regulate common schools. . . ." <sup>8</sup> On February 6, 1851, similar ordinances were passed giving charters to the cities of Ogden, Provo, Manti, and Parowan. The exact wording of the Salt Lake City ordinance was used in the case of each of the other cities. The law was silent on any administrative or organizational relationship between the schools in these cities and the territorial superintendent of common schools.

A series of charters and ordinances was given to the cities at later dates that provided for the election of trustees and the appointment of a board of school inspectors.

*City ordinances.*—City government was recognized by the legislature in the establishment of schools, and following the direction of the territorial law-making body as prescribed in the provision of the charters, the city served as a governmental unit and through ordinances provided for school organization. In 1852 the Legislative Assembly authorized the county courts to divide the counties outside of cities into school districts, but the city charters and ordinances were not ignored and these provided the legal basis for school organization and administration in the larger and more rapidly growing cities. On June 4, 1853, a legislative act was approved which stipulated: "That all incorporated cities which have organized, and are acting under their respective charters, are hereby authorized annually to assess, collect and expend

<sup>7</sup>Laws of the Territory of Utah, 1851, "A Resolution Creating the Office of Superintendent of Common Schools."

<sup>8</sup>Laws of the Territory of Utah, 1851, secs. 10-11 of "An Ordinance to Incorporate Great Salt Lake City."

the necessary tax for. . . schools. . . and regulate and control the same within said city incorporations." City residents were exempt from school taxes "outside of city boundaries."<sup>9</sup> On May 4, 1855, an ordinance was passed by Great Salt Lake City that divided the city into school districts. The school districts were co-terminous with the boundaries of the "several bishops' wards." Bishops within the school districts were "authorized and required" to call meetings within the wards before the first Saturday of the approaching June, and to have elected at the meeting "three trustees for each district."<sup>10</sup> These school officials were permitted to hold office during the "pleasure of the people." Permission was obtained from the "legal voters and taxpayers" of the district to determine the nature and extent of the school program. The trustees were empowered to assess and collect a tax upon taxable property "which shall not exceed three percent per annum."<sup>11</sup> This revenue was restricted for the use of building and repairing schoolhouses and in making such general improvements as fencing the school grounds. Authority was given to the trustees to insist that those who patronized the school should also provide fuel "according to the number of scholars sent. Bonds and security of not less than five thousand dollars for the faithful performance of their duty" were exacted of the trustees and they were held responsible to report to the city council the number of scholars, amount and nature of improvements, and taxes collected and expended. Moreover, it was their duty to "employ teachers" and a "superintendent of schools in their respective districts." In case of neglect of duty, the city marshall was required "to forthwith enter a complaint to the City Council against said Trustees."<sup>12</sup>

The city council was authorized to appoint a board of examiners for the several school districts, consisting of three people, whose duty it was to determine the qualification of teacher applicants. Those who were "considered competent" and possessed "good moral character" were to "receive a certificate to that effect, signed by the board."<sup>13</sup>

From time to time these city ordinances were amended and legal additions made that tended to enhance the school program.

<sup>9</sup>*Laws of the Territory of Utah*, Approved June 4, 1853. "An Act in Relation to the Assessment, Collection and Expenditure of a Tax for Road and other Purposes within Incorporated Cities."

<sup>10</sup>*City Charter and Ordinances, Resolutions and Reports, of the City Council of Great Salt Lake City, Territory of Utah*, commencing from its incorporation.

<sup>11</sup>*Ibid.*

<sup>12</sup>*Ibid.*

<sup>13</sup>*Ibid.*



Gradually the right of initiating the school elections was removed from the ecclesiastical ward bishops to the city council. By January, 1860, the following law became operative in Salt Lake City: "The City Council shall have power to provide for the election of trustees, to appoint a board of school inspectors, and to prescribe the powers and duties of the same, and to enact such ordinances as may be necessary to carry their duties and powers into effect."<sup>14</sup>

All charters given by the Legislative Assembly or ordinances passed by the several cities following 1852 complied essentially with the content of the law enacted for the entire territory at that time. Organization of school districts in cities of the first and second class separate from the counties in which they are located, continues to exist, having been so maintained by constitutional mandate.<sup>15</sup>

*Attitude of governor and legislators toward legalizing schools.*—Under the circumstances it was but natural that the colonists of Utah should use whatever form of church organization that might be in existence at the time in establishing schools. Non-believers to the only existing theological creed had not yet entered the Great Basin for permanent residence; hence the wards were at first the school districts and the bishops who were the leading men within these geographical church units were appointed by law to provide for the organization of schools. As territorial history began and it became the hope of the leaders to be recognized by the Federal Congress as an integral part of the nation, new laws were passed that made provision for officials appointed or elected in conformity with civil government procedure.

Brigham Young, Utah's first governor, gave encouragement to the establishment of a legal organization to administer the schools and made repeated recommendation that influenced the quality of education. On September 22, 1851, he made the following recommendation to the Legislative Assembly:

For the advancement and encouragement of primary schools, I merely suggest at this time. . . . that some system might with propriety be adopted, which requiring the inhabitants of each neighborhood, consisting of a certain number of families, (to be fixed by law) to maintain a school therein. . . .<sup>16</sup>

The attitude of other leaders who had much to do with the

<sup>14</sup>Laws of the Territory of Utah, 1860, sec. 69 of "An Act Incorporating Great Salt Lake City."

<sup>15</sup>Constitution of the State of Utah, Article X, sec. 6.

<sup>16</sup>Brigham Young, "Governor's Message," *Journal of the Joint Sessions of the Legislative Assembly of Utah Territory*, p. 102.

making of education legal in Utah is shown by a series of memorials prepared by the Legislative Assembly. On March 3, 1852, one was approved and sent to Congress, asking for money that it might "be invested by your memorialists in some productive fund the proceeds of which shall be forever applied by the Legislature of said Territory, to the use and support of schools."<sup>17</sup> Three days later an additional memorial was sent to the Federal Congress requesting a survey of public lands in Utah and an allocation of certain portions thereof "for educational purposes."<sup>18</sup> Another memorial was prepared for Congress on January 17, 1854, in which the "Governor and Legislative Assembly of the Territory of Utah" expressed "a deep interest in the future welfare of the Territory, and for the advancement of her sons and daughters in science and literature" and requested five thousand dollars "to advance the interests of the University."<sup>19</sup>

#### TERRITORIAL STATUTES AS A BASIS FOR SCHOOL ORGANIZATION

*The 1852 Law.*—Because many of the early inhabitants of Utah came from the New England states, much of their procedure of uniting civil and church government was borrowed from that source. Moreover, many of the customs, including the democratic procedure in town meetings, were transplanted. With it all came the practice of establishing the small school district that had first emerged on the northeastern Atlantic seaboard. A plan of school organization and administration first became crystalized and enacted into law in 1852. This legislation provided the legal base for the growth of education in Utah until after the turn of the century. The importance of this act, passed March 3 of that year, justifies its inclusion herein:

#### AN ACT IN RELATION TO COMMON SCHOOLS

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, that it shall be the duty of the County Court in each county, to divide, or cause to be divided, their respective counties into proper school districts, and cause to be elected by the qualified voters in each district, three trustees, who may appoint their own clerk.

Sec. 2. It shall be the duty of the trustees so elected to superintend the school in their respective districts, also the erection of school houses, the

<sup>17</sup>*Acts, Resolutions and Memorials Passed by the First Annual and Special Sessions of the Legislative Assembly of the Territory of Utah, 1852.*

<sup>18</sup>*Ibid.*

<sup>19</sup>*Acts and Resolutions Passed at the Third Annual Session of the Legislative Assembly of the Territory of Utah, 1854.*

furnishing of fuel etc. It shall be the duty of their clerk to keep and preserve their records, and report to the county court at their first session in each year, the numbers of scholars in their respective districts.

Sec. 3. It shall further be the duty of the county court to appoint in their respective counties a board of examiners to consist of three competent men, whose duty it shall be to hear, and determine the qualifications of school teachers, and all applicants of good moral character that are considered competent, shall receive a certificate to that effect signed by the board.

Sec. 4. That the trustees so elected shall have power to assess and collect a tax upon all taxable property in said district, for the purpose of building and keeping in repair suitable school houses, in their respective districts. In order to complete the collection of the tax assessed, upon being duly notified thereto, the trustees have power to dispose of personal and real estate, and any conveyance made upon such sale shall be deemed valid.<sup>20</sup>

A number of important features of school law are contained in this act. It provides a legal foundation upon which all schools might become public. Regardless of practice in years that followed, it was distinctly a public school law. It recognized the territory as the source of government and extended local organization and administration to the people as an extension of that government. It provided a method through the utilization of the county courts, likewise legal and public, for the initiation of a school organization throughout the territory. Recognition was given to the "qualified voters" to express themselves in the educational program, thus establishing for Utah, and perpetuating the precedent started elsewhere, that schools are operated by the order of the people. It prescribed a system of organization and administration. With the enactment of this law the small school district came into Utah and with slight exceptions, determined the pattern of school management and supervision until 1915. Trustee administration, at times commendable and at other times very inadequate, became common. These directors of education possessed the basic essentials in educational control, including schoolhouse construction and maintenance, record keeping and reporting, and the right of assessing and collecting a tax.

The county courts were likewise given specific duties in the 1852 law, which divided the authority to administer the schools. It was the responsibility of the court to divide, or cause to be divided, the county into school districts and to initiate the election of the trustees by the voters of the district. Moreover, the court, and not the trustees, was given the responsibility of appointing a

<sup>20</sup>*Laws of the Territory of Utah, 1852, secs. 1-4 of "An Act in Relation to Common schools."*

board of examiners, whose duty it was to award teacher certificates.

*The 1854 law.*—After the initial territorial law had operated for two years, the Legislative Assembly amended the act, thereby strengthening the administrative control of education. In this latter legislation the relationship of the regency of the University of Deseret to the schools became obvious. The regents were given a mandate to appoint a superintendent of common schools of the territory, who in return was required to make an annual report to them. This supervisory officer was permitted to hold office during the pleasure of the board of regents. His duties included whatever "may be required of him by said board."<sup>21</sup>

The county courts continued to have the responsibility to appoint a teacher examining board and the assignment of dividing the county into school districts became more specific. The mandate was given for this action to be done at "their first term" after the enactment of the law. Likewise, they were instructed to notify the inhabitants of the several districts "to meet within ten days, and choose three trustees" to administer the local schools.<sup>22</sup>

The board of examiners continued to examine those who were to teach, but in addition, it took on certain administrative functions and was required to receive an annual report from the local trustees "of their official doings, together with the amount of funds collected and how expended."<sup>23</sup> In turn, this board of examiners was required to make a complete report to the territorial superintendent of common schools indicating the number of scholars, the amount of revenue collected, and how expended.

The trustees remained the locally elected representatives of the people. Their right of assessing and collecting a school tax continued as before. With the revenue collected, it was their duty to provide "a suitable building or buildings, with necessary appendages. . . wherein school shall be taught."<sup>24</sup> Likewise, they were to keep the school buildings in repair and to provide fuel to heat the buildings.

The 1854 law excluded cities with charters that had proceeded with school operation, except that those who administered the city schools were required to report to the board of examiners.<sup>25</sup>

<sup>21</sup>*Laws of the Territory of Utah, 1854, ch. 94, sec. 1.*

<sup>22</sup>*Ibid.*, sec. 2.

<sup>23</sup>*Ibid.*, sec. 5.

<sup>24</sup>*Ibid.*, sec. 2.

<sup>25</sup>*Ibid.*, sec. 7.



It will be noted that by 1854 the organization providing for the administration of education was more complex than formerly and that control of the public schools was divided. The chancellor and the board of regents possessed administrative control of all education. These regents spent considerable time in giving general supervision to the schools of the territory, and as individuals they visited schools and gave instruction to all teachers and school children. They likewise held public meetings with the people and furnished educational leadership. The chancellor served as chairman of the regents, but in addition he was an executive officer and in that capacity acted as an educational administrator throughout Utah. Probably more than any other member of the board, he served in a supervisory capacity.

Historically the county has been an important unit of government in Utah. It was the seat of the court, which was given the power of determining the boundary lines of the school districts. Likewise, it was the right of the court to appoint those who served in the assignment of examining teachers. This examining committee determined the qualifications of the teaching personnel, gathered important statistical data, including expenditures of revenue, number of students attending school, and the length of the school term. It was required to report to the territorial superintendent of common schools, who in turn was required to give a bond to the chancellor of the university declaring the faithful performance of his duty as a territorial school officer.

The trustees were particularly concerned with the provision of a suitable school building and in keeping it in repair and comfortably warm. To fulfill this responsibility they were given the administrative right of assessing and collecting a school tax. The people, however, retained certain administrative control of the schools, for they elected the trustees and decided by vote the rate of tax that might be assessed.

The 1854 law was more exacting than the 1852 act, but it divided authority almost to the point of confusion and certainly beyond what is considered good administration during more recent years. It was a progressive step but needed considerable revision before the schools were operated effectively. No significant school legislation was enacted between 1854 and 1860, but at this latter date new laws were passed which altered administrative policies and procedures.

*Constitution and statutory acts of 1896.*—The constitution became the basic law of all education when Utah was admitted

to the Union in 1896. A state board of education was created and given general control and supervision of all public schools. The school system was defined and most of the details of specific law were, as they should be, left to the legislature. The important phase of this basic document, as far as providing a legal method by which a public education program can be organized and maintained, is the clause: "The Legislature shall provide for the establishment and maintenance of a uniform system of public schools."<sup>26</sup>

Since the adoption of the constitution, except for a few amendments, the legislature has been the source of authority for public education. An example illustrating this fact as decreed by the state supreme court may be noted in the case where one of Salt Lake City's twenty-one school districts sought an injunction "to restrain the collection of taxes in the new [consolidated district, following the legislative act of 1890] . . . ." In rendering this decision, Judge J. Blackburn said:

It is conceded that the legislature has authority to abolish these districts, and consolidate them into one, and apportion the property. How that apportionment should be made is a legislative question, and not for the courts; and the legislature having acted upon that question, it is presumed that it did all that was necessary, and the court cannot interfere.<sup>27</sup>

Since statehood the several legislatures have revised the statutes and passed new laws until at present a large body of statutory edicts prescribe in detail the administration of all phases of public education.<sup>28</sup>

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<sup>26</sup>*Constitution of the State of Utah*, Article X, sec. 1.

<sup>27</sup>28 Pacific, 982-983.

<sup>28</sup>LeRoy Eugene Cowles, *Organization and Administration of Education in Utah*. University of Utah, 1927. (Dr. Cowles' study has been extensively used as a study guide for college students for a decade and a half.)

## CHAPTER VII

# TERRITORIAL AND STATE ADMINISTRATION OF EDUCATION

### TERRITORIAL ADMINISTRATIVE OFFICIALS AND THEIR DUTIES

*Administration under the University of the State of Deseret.*—Although Chapter IV discusses in detail the administration by the university officials, the prolonged effect upon education from this source of management necessitates reference at this point only because it was the initial centralized method of educational control. The University of the State of Deseret was created by a legislative act on February 28, 1850. The administration of the university was vested in a chancellor and twelve regents who were elected by the general assembly. The chancellor served as the executive officer and chairman of the board of regents. This administrative body needs brief mention at this point because it was the agency that administered all education in Utah, as well as the University of Deseret. This plan of organization and administration was borrowed from the one adopted in Nauvoo, Illinois, while the Mormons were at that place. The University of Deseret as an institution of learning existed only a short time, but these officials who served as an administrative body continued to direct education in Utah for many years.

*Appointment of the superintendent of primary schools.*—On September 22, 1851, Governor Young made a notable address to the Legislative Assembly which included recommendations for extending the educational organization. He suggested the advisability of appointing a superintendent of schools for all the Utah colonies. In response to this recommendation, the assembly passed the following resolution:

Resolved by the Governor and the Legislative Assembly of the Territory of Utah, That the Chancellor and Board of Regents of the University of Deseret, are hereby authorized to appoint a Superintendent of Primary Schools, for the Territory of Utah, under their supervision and discretionary control. . . .<sup>1</sup>

<sup>1</sup>*Laws of the Territory of Utah, 1851, "A Resolution Creating the Office of Superintendent of Common Schools."*

In 1852 the small school district was created by the Legislative Assembly and was authorized to function independently from any central control; but by 1854 the school law was rewritten and a new organization was effected. In the latter law the superintendent, acting under the supervision of the chancellor and university regents, was required "to make an annual report to the regency. . . and also to perform such other duties as may be required of him by said board in connection with, and the number and condition of common schools in the Territory."<sup>2</sup>

In 1860 the office of the county superintendent was created by statute. This county official was required to report the status of the local school districts to the territorial superintendent of schools. Thus an organized system of education from the territorial superintendent to the local district was gradually developed.

In 1865 the former school laws were amended. An act passed at that time states: "That there shall be elected annually by a vote of the Legislative Assembly of the Territory of Utah, a Superintendent of Common Schools, for the said territory, and the said Superintendent shall make his report annually to the Legislative Assembly. . . ."<sup>3</sup> The enactment of this law indicates that by this time the chancellor and the regents gave less administration to the schools of the territory and likewise that the superintendent was probably gaining additional power and prestige. It will be noted that in keeping with the newer legal requirements, his report was made directly to the legislative body which created his office, and which is the legal source of all school control.

In 1876 the school law was again amended and enlarged and at that time an act was passed providing for the election of a territorial superintendent of public schools, to be elected by the vote of the people at a general election. The term of office was for two years and until his successor was elected and qualified. This procedure was altered with the Edmunds-Tucker law enacted in 1887. From that year until statehood the chief state school official, designated the territorial commissioner of schools, was appointed by the supreme court of the territory.

*Increased responsibilities of territorial superintendent.*—Although the first schools in Utah were ineffectively organized into a territorial system or pattern for administrative purposes, the superintendent under existing conditions provided a relatively

<sup>2</sup>Laws of the Territory of Utah, 1854, ch. 94, sec. 1.

<sup>3</sup>Laws of the Territory of Utah, 1865, sec. 6 of "An Act Consolidating and Amending the School Laws."



high quality of leadership. During the first years considerable effort was directed to handling the details necessary to encourage educational growth. As schools increased in number and the Legislative Assembly came to recognize its own responsibility as the legal source of administration of education, it was necessary for this educational leader to gather data descriptive of the schools, present, and interpret them to the law-making body.

The influence and responsibilities of the superintendent grew as the schools and their needs were enlarged. Improved organization disseminated into the communities as the need arose. The trustees, the county courts, and teacher examining boards were initiated in 1852; the office of county superintendent in 1860, and by the beginning of the year 1866, the territorial superintendent with the county superintendents were given the mandate to "decide what textbooks shall be adopted in the schools."<sup>4</sup> As other educational agencies developed, there was a coordination with the office of the superintendent. By 1876 the assembly passed an act stating that:

The Territorial and county superintendents and the president of the faculty of the University of Deseret, or a majority of them, shall, at a convention called by the Territorial superintendent. . . . for the purpose, decide what text books shall be adopted in the schools, and their use shall be exclusive and mandatory in all the district schools of the Territory. . . .<sup>5</sup>

Only very gradually did the territory come to assume an obligation of financing the emerging school districts; but as this practice developed, the territorial superintendent was the official who handled these school funds. By 1866 the superintendent was authorized and required "to proceed against all delinquent parties, on their bonds, who fail to pay the per centage to common schools prescribed by their grants or charters,"<sup>6</sup> and in 1868 the territorial superintendent was placed under a ten thousand dollar bond "before receiving or disbursing any public school fund."<sup>7</sup>

A significant law was enacted in Utah in 1874 which established a pattern of appropriating a specific amount of money from territorial funds to the local districts on the basis of school enumeration. With the enactment of this statute it became the duty of the territorial superintendent to appropriate territorial money to the local districts. Once established, this precedent has con-

<sup>4</sup>*Laws of the Territory of Utah*, 1866, ch. 162, sec. 16.

<sup>5</sup>*Laws of the Territory of Utah*, 1876, sec. 16 of "An Act Providing for the Establishment and Support of District Schools and for other Purposes."

<sup>6</sup>*Laws of the Territory of Utah*, 1866, ch. 162, sec. 21.

<sup>7</sup>*Laws of the Territory of Utah*, 1868, ch. 22, sec. 3.

tinued to the present. As the appropriation has increased, the power and influence of the chief school official has increased, until more recent laws have given him and the state board of education the obligation of prescribing minimum standards of education before local school districts are eligible to receive revenue from state sources.

By 1890 the duties of the superintendent included a variety of activities, such as administering the finance from territorial sources, selecting the textbooks, issuing certain prescribed certificates, receiving and disseminating pertinent information, interpreting the school law, conducting educational meetings, counseling with county superintendents and other local school officials, and working toward the expansion and growth of education. The following statute, enacted in 1890, enumerates many of the duties of the commissioner of schools:

The commissioner of schools within and for this Territory shall. . . .

Sec. 2. . . . be charged with the administration of the system of public instruction and a general superintendence of the business relating to district schools of the Territory, and of the school revenues set apart and appropriated for their support. He shall apportion to the several counties, on or before the thirty-first day of December of each year, the amount of money to which each county is entitled, under the provisions of this act, according to the number of persons between the ages of six and eighteen years, residing in such county, as shown by the last school census lists of the several counties and furnish to each county treasurer and county superintendent an abstract of such apportionment. . . .

Sec. 3. He shall prepare and transmit to the proper officers suitable forms and regulations for making all reports, and the necessary blanks therefor, school registers, and all necessary instruction for the organization and government of district schools, and conducting all necessary proceedings under this act. . . . He shall visit each county in the Territory at least once in each year, and may examine the auditor's books and records relative to school revenue. He shall meet with such school officers as may attend his appointment, advising with the teachers, and lecturing to institutes and public assemblies upon topics calculated to promote the interests of education.

Sec. 4. He shall advise with the county superintendents upon all matters involving the welfare of the schools. He shall, when requested by superintendents or school officers, give them written answers to all questions concerning the school law. On the recommendation of the examining board of any county the territorial commissioners of schools may issue to duly qualified teachers, of not less than five years experience, territorial certificates valid for five years, and such certificates shall be good in any county of this Territory.

Sec. 5. During the first week of the regular session of the Legislature said commissioner shall present to the Governor and Legislative assembly a biennial report of his administration of the system of public instruction. He

shall cause one thousand copies of his report and the laws relating to schools to be printed in pamphlet form and distribute them to all school officers and schools. . . .<sup>8</sup>

Within this legislative act of 1890 may be found the basis for almost all the functions necessary to give general administrative control to the territorial schools. With but minor changes the current law governing the state superintendent's supervisory and administrative authority remains much as it was written more than half a century ago.

*Specific contributions to education from the territorial superintendent.*—Throughout the educational history of Utah the superintendent's primary concern has been to improve the instructional services of the schools. Without exception, the reports written by this educational leader during the earlier decades, stress the inadequate training of teachers. It was he who urged the necessity of a more careful selection of instructors. Almost incessantly he worked to persuade the legislative body to make provision for uniform teachers' examinations. He was aware of the inadequacy of the local teacher examinations and worked to have these prepared from a single state source. He foresaw the development of teacher-training institutions, and more than anyone else was responsible for the establishment of the state normal school at the university. He devised the ways and means by which the young people of Utah might be given normal training and then return to the schools of Utah as teachers. The later practice of centering teacher certification in the state school office reverts back to his recommendations and leadership.

The superintendent was primarily responsible for the more-or-less continuous improvement of organization throughout the territory. He encouraged grading the schools and the establishment of a system within the local school districts. He labored for proper relationships within the territory and increased coordination that would bring desirable line and staff authority between the chief school officer of the territory and local school officials. From the time the office was created, the occupant never lost sight of the primary reason given by the governor in his description of the need for such an official; that is, to labor for a uniform system of public schools.

More than any other individual, this highest school official understood the limitations of the small school district and advo-

<sup>8</sup>Laws of the Territory of Utah, 1890, ch. 72, sec. 2-5.

cated consolidation. The same arguments presented by this executive are currently used by students of education in their analysis of the problems of the small school district in those states where they continue to exist. As indicated above, the superintendent has been a staunch advocate of a program of school finance in which the territory and afterward the state would assume a larger share of the total school cost. He has effectively and increasingly used the practice of placing "minimum requirements" on district boards of education before they could participate in state revenue in order to stimulate better local schools.

From an early date the statutes have required the superintendent to interpret the school law to local school officials. Various school reports show that this responsibility at times has not been a minor one. An example may be noted in the 1898 report. Following is a partial list of the topics on which legal interpretation was given: authority of trustees to borrow money, proper use of school funds, removal of schoolhouses, exemption from taxation, correct procedure in redeeming bonds, special taxes for building purposes, changing schoolhouse sites, county institutes, election of school officers in cities, and requirements of certification and diplomas.<sup>9</sup>

The superintendent has been influential with the various legislatures and has freely made recommendations for needed additional school legislation. In general, the law-making body has been responsive to his requests. Not only has he directed the enactment of statutes, but his recommendations, in part at least, were incorporated into the state constitution. One such example is shown by his suggestion that kindergartens be included as a part of the public school system. In his 1894-95 school report to the legislative body he said:

It seems to me of the very highest importance to our educational interests that the legislature as soon as possible take steps toward the establishment of free kindergarten schools in connection with our public schools, pursuant to provision of the constitution. This department constituting the very foundation of our educational supersructure should be established with the greatest care and under the most skillful supervision.<sup>10</sup>

The state constitution was adopted shortly thereafter and became the basis upon which the legislatures have written the laws

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<sup>9</sup>John R. Park, *Second Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1898*, pp. 220-79.

<sup>10</sup>T. B. Lewis, *Territorial School Report, 1894-95*.



controlling education since 1896. This document states: "The public school system shall include kindergarten schools. . . ." <sup>11</sup>

*The superintendent as visiting supervisor of schools.*—Before the laws were passed requiring him to do so, the superintendent recognized one of his important functions to be that of directly contacting the local districts and giving supervisory aid. An examination of the early school reports discloses the fact that supervision from the chief school officer has existed from an early date. These reports indicate this duty was one that gave the territorial school official much pleasure and one at which he spent considerable time. In 1868 he reported:

The Superintendent has taken much pleasure in visiting and inspecting the schools in most of the leading counties of the Territory. While on these visits he has enjoyed many opportunities of advising with the county superintendents and trustees, and is happy to note that unanimity generally characterizes the efforts of the school authorities. He has also enjoyed many opportunities of introducing and canvassing the subject of education before the people, and feels conscious that his feeble efforts in that direction will bring forth fruit which will be productive of good to our school interests. <sup>12</sup>

The biennial report of 1872-73 contains the following note on his visits to the various schools throughout several counties:

The Superintendent in 1872 visited many of the counties, and during the year 1873 nearly all the counties in the Territory; and counseled with the county superintendents, school trustees and teachers, in relation to the educational interests of their respective districts, and delivered addresses wherever opportunity presented, on educational and kindred subjects. <sup>13</sup>

This policy of visiting schools had grown to such an extent by 1878 that the superintendent engaged a number of educational leaders to assist him. His report for 1878-79 gives an account of his "travels" to nine different counties. It also states that he had two prominent educators perform supervisory duties in additional counties. Of their work the territorial school chief said:

They personally visited several of the schools, in the various wards and settlements; also conversed with the county superintendents, many of the trustees, teachers and leading men generally, upon the proper education of children, training of teachers, conducting schools, building schoolhouses, proper reports, etc., etc. They held some sixty meetings and traveled thirty-nine days. <sup>14</sup>

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<sup>11</sup>Utah State Constitution, Article X, sec. 2.

<sup>12</sup>Robert L. Campbell, *Territorial School Report*, 1868.

<sup>13</sup>Robert L. Campbell, *Territorial School Report*, 1872-73.

<sup>14</sup>John Taylor, *Territorial School Report*, 1878-79.

The superintendent reported that during the summer and autumn of 1878, he enlisted the services of two additional men who were "ardent promoters of education." These men declared that they "spent one hundred days, traveled over eighteen hundred miles, and held one hundred and fifteen meetings."<sup>15</sup> Still others traveling alone and in pairs were sent throughout the territory on tours of educational inspection and instruction. One such report follows:

In compliance with your request and appointment we visited and examined the schools of. . . . [five counties]. Our plan of procedure on entering each county was, first, to submit ourselves to the school superintendent, and acquaint him with the character and object of our commission. . . . Second . . . we proceeded to examine such schools as were in session.<sup>16</sup>

The progress of the pupils and the ability of the teachers were noted. Demonstrations of teaching procedures were exhibited as a part of the supervisory program of the representatives of the territorial superintendent. Their statement continues:

At other times we would conduct classes ourselves, sometimes with the object of determining how thorough had been the instruction given, and at other times for the purpose of making a little knowledge and advice to the teacher as to method of instruction better than those he had adopted.<sup>17</sup>

These educators declared that they held conferences with the teachers and with the trustees and advised them in relation to school procedure. They likewise reported that many meetings were held with the public in which educational topics were discussed.

In his biennial report of 1882-83 the territorial superintendent continued to describe his travels to the local school districts and his efforts toward increasing desirable public relations:

I have personally travelled through most of the counties of the Territory, and visited many of the district schools; have also consulted freely with the county superintendents and other school officials, and addressed public assemblies pertaining to district school, as opportunities have permitted.<sup>18</sup>

In this same document the superintendent further said:

I did all in my power to advance the cause of education by conversion and consultation with school officers, and in holding public meetings, visiting school houses, and imparting such instructions as to the necessities and requirements of our school interests, as were deemed proper alike in regard to

<sup>15</sup>*Ibid.*

<sup>16</sup>*Ibid.*

<sup>17</sup>*Ibid.*

<sup>18</sup>L. John Nuttall, *Territorial School Report*, 1882-83.

the grading and manner of conducting schools, proper organization, the employment of suitable and competent teachers, the duties of county superintendents and district trustees, the providing of schoolhouses and furnishing the same with suitable furniture and apparatus in the inside, and with proper surroundings on the outside.<sup>19</sup>

Just before the close of territorial history the superintendent gave an account of his supervision throughout the several counties. He declared that he had visited, whether personally or "by deputy" all of the counties of the state, and in certain cases, several visits to single counties were made. The same general procedure of giving educational counsel to trustees, county superintendents, and teachers, and holding meetings for the general public was followed for many years. Considerable satisfaction evidently was felt by the superintendent in this part of his work. He declared, "The results of this experience, which the law requires me to give, have been most gratifying. . . ."<sup>20</sup>

The leadership of the school official was enhanced when the 1896 law created the office of state superintendent and gave him the "power to call biennially a convention of county and city superintendents. . . . for the [purpose] . . . of discussion of questions pertaining to the supervision and administration of the public schools."<sup>21</sup> It was a mandate for all school district superintendents to attend this convention. In 1905 the statutes were amended, thereby providing for an annual assemblage of these school officials.<sup>22</sup> This practice currently exists.

The power of the superintendent was once more increased when by statute he was given the responsibility to direct county institutes when two or more of the counties cooperated for such purpose. In 1907 a statute was enacted that created a governing board of county institutes. The state superintendent, the principal of the normal school, and the county superintendent, composed this board. It was their duty to "prescribe the subjects of instruction, and. . . engage the instructors."<sup>23</sup>

#### NAMES OF TERRITORIAL AND STATE SUPERINTENDENTS OF UTAH AND TIME OF SERVICE

##### Chronological order of Territorial and State Superintendents:

Elias Smith, Superintendent of Primary Schools, from 1851 until 1856.

William Willis, Superintendent of Common Schools, from 1856 until 1862.

<sup>19</sup>*Ibid.*

<sup>20</sup>T. B. Lewis, *Territorial School Report*, 1894-95.

<sup>21</sup>*Laws of Utah*, 1896, ch. 130, sec. 19.

<sup>22</sup>*Laws of Utah*, 1905, ch. 78, sec. 1-1781 amended.

<sup>23</sup>*Laws of Utah*, 1907, ch. 121, sec. 1.

- Robert L. Campbell, Superintendent of Common Schools, from 1862 until 1874.
- O. H. Riggs, Territorial Superintendent of District Schools, from 1874 until 1877.
- John Taylor, Territorial Superintendent of District Schools, from 1877 until 1881.
- L. John Nuttall, Territorial Superintendent of District Schools, from 1881 until 1887.
- P. L. Williams, Territorial Commissioner of Schools, from 1887 until 1889.
- Jacob S. Boreman, Territorial Commissioner of Schools, from 1889 until 1894.
- T. B. Lewis, Territorial Commissioner of Schools, from 1894 until 1896.
- John R. Park, State Superintendent of Public Instruction, from January, 1896, until September, 1900.
- Mrs. Emma J. McVicker, State Superintendent of Public Instruction, from October, 1900, until January, 1901.
- A. C. Nelson, State Superintendent of Public Instruction, from January, 1901, until December, 1913.
- A. C. Matheson, State Superintendent of Public Instruction, from December, 1913, until January, 1915.
- E. G. Gowans, State Superintendent of Public Instruction, from January, 1915, until July, 1919.
- G. N. Child, State Superintendent of Public Instruction, from July, 1919, until July, 1920.
- L. J. Muir, State Superintendent of Public Instruction, from July, 1920, until January, 1921.
- George Thomas, State Superintendent of Public Instruction, from January, 1921, until July, 1921.
- C. N. Jensen, State Superintendent of Public Instruction, from July, 1921, until January, 1933.
- Charles H. Skidmore, State Superintendent of Public Instruction, from January, 1933, until January, 1945.
- E. Allen Bateman, State Superintendent of Public Instruction, from January, 1945 —.

#### ADMINISTRATION OF SCHOOLS DURING STATEHOOD

*The state board of education.*—Constitutional provision was made for a state school system when Utah became a state. The locus of general administrative control is described in the following section:

The general control and supervision of the public school system shall be vested in a State board of education, consisting of the superintendent of public instruction, and such other persons as the Legislature may provide.<sup>24</sup>

The legislature was given the mandate of providing for the establishment and maintenance of the public school system. Hence,

<sup>24</sup>*Constitution of the State of Utah*, Article X, sec. 8.



on April 5, 1896, an act was passed by the newly created law-making body stating:

The State Board of Education shall consist of the State Superintendent of Public Instruction, the president of the State University, the principal of the State agricultural college and two other persons of large experience and eminent professional standing to be appointed by the Governor by and with the consent of the Senate for a period of four years.<sup>25</sup>

The state board of education first convened on June 27, 1896. The minutes of the meeting state that those present were, "John R. Park, State Superintendent of Public Instruction; D. H. Christensen and J. F. Millspaugh."<sup>26</sup> Millspaugh was appointed secretary of the board. The second meeting was held on August 29, 1896. Dr. James E. Talmage and those named above were present. By the meeting of September 5, 1896, J. M. Tanner, as a member of the board was attending board sessions, and in July of the following year, J. T. Kingsbury was a member of this state administrative body.<sup>27</sup>

The several states of the nation vary widely in the manner in which specific duties of the state boards of education are prescribed. Some, particularly those with more recent constitutions and statutes, give excessive detail in the enumeration of administrative responsibility.<sup>28</sup> Students of school administration generally maintain that it is preferable for the constitution to be general, rather than specific, in the description of responsibilities of control. The constitution of Utah gives the state board of education "general control and supervision of the public school system." The first statute enumerated only the authorization "to issue State diplomas. . . . and State certificates."<sup>29</sup> We are led to conclude that the legislature either assumed that the constitutional right of the board to have general control and supervision of the public school system gave all authority that was needed, or in defining the duties of the controlling body, failed to see what the functions of the board would ultimately become. An analysis of the minutes of the board during its first years of service indicates that it interpreted its duty to be primarily concerned with teacher certification. Very few other items dealing with policy came before the board for discussion in the regular meetings. The numerous functions of the

<sup>25</sup>*Laws of Utah*, 1896, ch. 130, sec. 1.

<sup>26</sup>*Minutes of the State Board of Education*, June 27, 1896, p. 2.

<sup>27</sup>*Minutes of the State Board of Education*, several session reports, 1896-97.

<sup>28</sup>Walter D. Cocking and Charles H. Gilmore, for the Advisory Committee on Education, "Organization and Administration of Public Education." No. 2, ch. 5, 1938, U. S. Government Printing Office.

<sup>29</sup>*Laws of Utah*, 1896, ch. 130, sec. 2.

state board at the present time have emerged as the schools have grown more complex and the educational services increased.

*State administration of teacher certification.*—The legislative act of 1852 that created school districts making provision for trustee administration and initiating the public schools of Utah, made it the duty of the county court to appoint a board of examiners whose duty it was to determine the qualification of teacher candidates, and to issue certificates to those selected to teach. This was a county process of issuing certificates. As the schools grew and general educational advancement took place, it became apparent that this method of selecting and certifying teachers was inefficient. Nevertheless, it remained the common custom for several decades. In 1890 a progressive bit of legislation was enacted which centralized the issuing of teacher certificates. A statute which became effective at that time states:

On the recommendation of the examining board of any county the Territorial Commissioner of schools may issue to duly qualified teachers, of not less than five years experience, territorial certificates valid for five years, and such certificates shall be good in any county of this Territory.<sup>30</sup>

The legal right to issue teacher certificates from one central source, however, emerged slowly, in spite of the apparent concern of the state board of education. Another forward step of increased control took place in 1901. The legislature that year passed an act that required county examinations to be given "at such times and under such rules as the State Board of Education may direct."<sup>31</sup> The same legislature approved another act requiring the state board to prepare questions used in the several counties of the state.<sup>32</sup>

Commenting upon the legislative acts of 1901, only one year after the law was passed, State Superintendent Nelson said that it had "done much and will do more to raise the standard of efficiency of our teachers."<sup>33</sup> In 1905 a new statute was passed, and again the right of local boards giving teacher examinations was curtailed and the state board and state superintendent were given additional control of the examinations. The county superintendent was appointed by the state board of education to give the examinations "under such rules and regulations as it [the board] may direct." The state

<sup>30</sup>*Laws of the Territory of Utah*, 1890, ch. 72, sec. 4.

<sup>31</sup>*Laws of Utah*, 1901, ch. 95, sec. 1795 of the Revised Statutes of Utah, 1898, Relating to Teacher Examination.

<sup>32</sup>*Laws of Utah*, 1901, ch. 94, sec. 1.

<sup>33</sup>A. C. Nelson, *Fourth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1902*, p. 70

board of education was required to prepare the lists of questions used and to "grade the papers of all applicants for teachers' certificates."<sup>84</sup> Any deviation of strict instructions issued by the state was a serious infraction of law. The county superintendent might make recommendations as to the teaching ability of the candidate.

As a part of the certification program the state board of education prescribed teacher attendance at county institutes. Moreover, the state superintendent, with the principal of the state normal school and the county superintendent, were the governing board for the institute. They were authorized to "prescribe the subjects of instruction and engage the instructors. . . ."<sup>85</sup> For attendance at these institutes the state board used the whip of possible revocation of teachers' certificates.<sup>86</sup>

It took approximately three decades for the state board of education to obtain complete control of teacher certification, including the prescribing of courses of study necessary for certificate awards. This governing body has devoted more time and attention to this problem than to any other item that has come under its jurisdiction.

*Administering finance on the state level.*—As stated before, the territorial superintendent of schools was given extensive responsibility in allocating the school revenue coming from the territory to the local school districts. The law of 1874 initiated the custom of financial assistance to local districts from the territory. With this act came certain legal restrictions which established a new administrative relationship between the territorial school officials and the school trustees and county superintendents. The law states that in order to participate in the school funds allocated,

. . . it shall be the duty of the Trustees of each school district in this Territory to cause to be kept in their respective districts, a good school at least three months in each year; a failure to do so shall disqualify them from drawing their share of the public moneys, and said moneys shall revert to other districts in the county.<sup>87</sup>

From the time of enactment of this law to the present, the legislature has exacted certain stipulated requirements from the local districts, and thereby has gradually increased the power of control of the territory and state school officials. By 1890 the re-

<sup>84</sup>Laws of Utah, 1905, ch. 71, sec. 1.

<sup>85</sup>Laws of Utah, 1907, ch. 121, sec. 1.

<sup>86</sup>Minutes of the State Board of Education, January 4, 1908, p. 149.

<sup>87</sup>Laws of the Territory of Utah, 1874, sec. 4, of "An Act Appropriating Money for School Purposes."

quirement was made of the local districts to maintain a school for a minimum of twenty weeks.<sup>38</sup> In 1909 a law was enacted specifying that the territory would give additional assistance under certain conditions where there was insufficient revenue from other sources to "employ a teacher or teachers for a period of at least twenty-eight weeks."<sup>39</sup> In 1911, 1913, 1917, and 1919, revisions of the former laws were made and new legislation extended the authority of the state administrative body over the local districts through the establishment of minimum standards.

From time to time the state constitution has been amended so that the legislature could enact additional laws which have increased the revenue for the operation and maintenance of the schools. For example, on March 9, 1911, an act was approved which established the High School Fund. In part, this law states:

The State Board of Education shall by rule fix the standard upon which, and the period during the year that high schools in this State shall be maintained in order to obtain any part of the High School Fund.<sup>40</sup>

In order to comply with the mandate the state board of education began at once to prescribe the minimum standards for local districts. The biennial report of the state superintendent of 1913-14 contains the following decree:

1. Each school shall provide adequate equipment for the courses which it offers.

2. Each school shall be maintained at least thirty-six weeks per year, including holidays.

3. Each school shall give at least two years of work as set forth in the course of study.

4. Schools giving a four year course shall require of their students at least fifteen units of credit for graduation.

5. All students shall carry with a passing standard at least three units a year.

6. Teachers shall hold state high school diplomas or state high school certificates issued by the Utah State Board of Education.

7. To be eligible to enter the public high school, students shall give satisfactory evidence of having completed a standard elementary education.<sup>41</sup>

Another important source of school revenue more recently made available is the Equalization Fund which was passed by the legislature in 1931. Requirements herein state:

<sup>38</sup>*Laws of the Territory of Utah*, 1890, ch. 72, sec. 76.

<sup>39</sup>*Laws of Utah*, 1909, ch. 8, sec. 1.

<sup>40</sup>*Laws of Utah*, 1911, ch. 29, sec. 3.

<sup>41</sup>A. C. Matheson, *Tenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1914*, pp. 24-25.



The minimum uniform educational program to be provided in the various districts of the state shall include a school term of nine months; the employment of legally certified teachers; the transportation to and from school of all pupils living more than two and one-half miles from school, or the provision toward such transportation of an amount equal to the allowance hereinafter made for the apportionment of the equalization fund; such general supervision to assist the superintendent and such supervising principals as the state board of education may approve; . . . the expenditure for educational supplies and equipment in such proportionate amounts as will provide for efficient instruction; . . . provisions for health inspection and instruction; and such other factors as may be prescribed by law.<sup>42</sup>

This law prevailed until 1945 when the legislature incorporated it with the uniform school fund and used the requirements almost unchanged as enumerated in the equalization law of 1931.

*State administration of the course of study and textbooks.*—From the time that any central agency of educational control had existed in Utah an attempt has been made to influence the content of subject matter. Early reports describe the determination of the territorial superintendent to prescribe the course of study. The dearth of textbooks made this a problem of magnitude. In his report written at the close of the calendar year 1862, Superintendent Campbell said, "The great difficulty in school matters here is a lack of uniformity in text books. . . ." <sup>43</sup> In 1864 he again declared, "One of the greatest obstructions to our educational interests has been a lack of uniformity of text books." <sup>44</sup> In 1865 and 1866 Campbell issued reports indicating that a uniformity of textbooks was being initiated, and began enumerating what textbooks were to be used. As early as 1864 some of the county superintendents and many of "the principal teachers" were meeting under Campbell's direction for the purpose of selecting textbooks. <sup>45</sup> In his report for 1869 Superintendent Campbell asserted that "There is more uniformity in text books in Utah, probably, than in any other part of our country. The books adopted by the school authorities are almost universally used in the schools." <sup>46</sup> The continued recommendations of Campbell for uniformity in textbooks and subject-matter content, leads us to believe that it was a problem to which he devoted considerable time. The poverty of the people, however, tended to prohibit the uniformity that was sought, and

<sup>42</sup>*Laws of Utah*, 1931, ch. 57, sec. 1.

<sup>43</sup>Robert L. Campbell, *Territorial School Report*, 1862-63.

<sup>44</sup>Robert L. Campbell, *Territorial School Report*, 1864.

<sup>45</sup>Robert L. Campbell, *Territorial School Report*, 1867.

<sup>46</sup>Robert L. Campbell, *Territorial School Report*, 1869.

often children were compelled by circumstances to use whatever might be available for textbooks.

The territorial superintendent largely determined the subject matter taught in the schools until legislation was enacted that prescribed the subjects that were required by law. This may be noted specifically in the statute of 1890, when the following mandate was enacted by the Legislative Assembly:

Every teacher in the district schools shall teach pupils, when they are advanced to pursue the same, the following branches to wit: reading, spelling, writing, arithmetic, language lessons, English grammar, geography, United States history, physiology and hygiene, giving special instruction concerning the nature of and effects produced by the use of alcoholic drinks, stimulants and narcotics.<sup>47</sup>

In spite of the fact that the statutes of the territory and later of the state did not compel uniformity of a course of study and textbooks until some time after statehood, the influence of the chief school officer of Utah is distinctly noticeable in this phase of administration. His influence on the legislature when the law was enacted and his leadership in providing the course of study are depicted in the school report of 1907-08:

Prior to 1907 there was no law in Utah providing for a uniform state course of study. Each county superintendent of schools was at liberty to make his own plan, to adopt the plan of his neighbor, or to leave the arrangement of the school work to the principals and their corps of teachers. For several years, at the suggestion of the State Superintendent of Public Instruction, an effort was made, however, to have a uniform course of study adopted in all the counties of the state. A committee of superintendents was selected and each member was required to write a plan of instruction for the subject assigned him. While the results thus achieved were, in a measure, satisfactory, it was evident that the best the state could produce in this direction had not yet been accomplished.

In 1907, upon the recommendation of the State Superintendent, the state legislature enacted a law which provides for a state committee to prescribe a state course of study. This committee consists of the State Superintendent of Public Instruction, the principal of the State Normal School, the principal of the State Normal Training School, and two county superintendents of schools, to be appointed by the State Board of Education.

In compliance with the law, a course of study was prepared. . . .<sup>48</sup>

While many of the earlier laws have been altered and new ones enacted, the prescribing of the course of study and the selection of textbooks has remained an administrative duty of the state board

<sup>47</sup>*Laws of the Territory of Utah*, 1890, ch. 72, sec. 60.

<sup>48</sup>A. C. Nelson, *Seventh Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1908*, p. 33.

of education and the superintendent throughout Utah's educational history. For example, in 1913 an important law was passed that altered existing practice dealing with the course of study and textbook selections. In part, the law states:

A State Text Book Commission is hereby created and established to consist of the State Superintendent of Public Instruction, the President of the University of Utah, the President of the Agricultural College of Utah, the Principal of the State Normal School and five resident citizens of the State to be appointed by the Governor, three of whom shall be superintendents of schools. . . .<sup>49</sup>

The same legislature amended the law governing the course of study, stating:

Within thirty days after the adoption of text books, the State Superintendent of Public Instruction, the Principal of the State Normal School and five school superintendents to be appointed by the State Board of Education, shall meet and prescribe a course of study for the schools of the state. . . .<sup>50</sup>

This statute has been amended slightly at different times since it was originally enacted, but the state superintendent of public instruction has continued to furnish the leadership in this phase of school administration. In 1941 an act was passed that centralized these two educational functions. This law stipulates that the state textbook commission shall consist of the same persons that are members of the state course of study committee.<sup>51</sup> The state superintendent of public instruction is the first enumerated individual in this currently operating law, and serves as chairman of both committees.

*State board of education administration of junior colleges.*—Utah has a unique system of junior colleges in that these institutions are administered under the direct administration and supervision of the state board of education and are wholly financed by the state. Beginning with the Brigham Young Academy in 1875, and for nearly sixty years thereafter, the Mormon Church operated a system of church academies and colleges. During the early part of the 1930 decade their educational policy was extensively altered and most of these institutions were discontinued. These church-owned campuses were given to the state on condition that the state board of education would operate an educational institution at these several locations. The legislature passed a series of acts which

<sup>49</sup>*Laws of Utah*, 1913, ch. 32, sec. 1-1854.

<sup>50</sup>*Ibid.*, ch. 13, sec. 1, amended.

<sup>51</sup>*Laws of Utah*, 1941, ch. 58, sec. 1.

created in each location a junior college and placed it under the general supervision of the state board of education. The several statutes are essentially comparable. The following one is a portion of the act that brought the Dixie Junior College under the management of the state board of education:

There is hereby established a state junior college at St. George City, to be known as the Dixie junior college, upon condition that the present owners thereof shall convey and transfer to the state of Utah, a good and sufficient title, free of incumbrance, to the present campus, buildings and equipment of the Dixie college, without cost to the state. The said school may be opened for registration of students for the school year beginning July 1st, 1933. The course of study therein may be limited to the first and second years of college work and said school shall be maintained by the state. . . .

The state board of education may have the management and control of said school, prescribe the course of study, employ a supervisor, and prescribe his qualifications, appoint a president, and prescribe entrance requirements of students to the said school. . . . Registration and tuition fees shall be determined by the state board of education. . . . [and] all claims against said school shall, before payment, be approved by the state board of education. . . .<sup>52</sup>

In addition to the junior college at St. George, three other similar institutions are at Ogden, Ephraim, and Price.

An examination of the minutes of the state board of education during the interval that this governing body has controlled these schools, indicates that much effort has been devoted to the management of the junior colleges. During 1933, from April to October, inclusive, ten consecutive meetings were devoted almost exclusively to the administrative problems of the junior colleges. From then to the present the board has given primary concern to these schools. The minutes reveal some of the problems common to this administration. The board makes official inspections of the schools, purchases property, employs teachers, grants leaves of absence to teachers and administrators, receives reports and issues instructions, discusses various problems of finance, studies and approves budgets, adjusts salaries, requires accounts audited, enters into contracts, authorizes building repairs, adopts rules and regulations of its own activities, receives and disburses money, studies and approves salary schedules, discusses and approves educational programs submitted by the various presidents, and authorizes research.<sup>53</sup>

*Control of school for deaf and school for blind.*—The statutes

<sup>52</sup>*Laws of Utah, 1933, ch. 50, secs. 1-5.*

<sup>53</sup>*Minutes of the State Board of Education* covering several years.



of Utah state: "The government and control of the Utah school for the deaf and the management of its property and its affairs shall be vested in a board of trustees which shall consist of the members of the state board of education."<sup>54</sup> Another statute makes the trustees for the school for the deaf become the trustees for the school for the blind.<sup>55</sup>

*State board administration of vocational education.*—Utah is one of the "thirty-five states in which the body serving as the state board of education has been designated as the board for vocational education."<sup>56</sup> On February 23, 1917, the United States Congress passed an act "providing for the promotion of vocational education" on a co-operative basis between the federal government and the several states. On March 17, 1917, the state legislature passed an act accepting the program and establishing a method of administering the same. The administration provision states:

That the State Board of Education, consisting of five or more persons, is hereby designated as the State Board for the purposes of the said Act, and it is hereby given all necessary power to co-operate with the Federal Board of Vocational Education in the administration of the provisions of the Act.<sup>57</sup>

The minutes of the state board of education indicate that frequently the board resolves itself into the vocational board to establish policies and procedures and otherwise direct the vocational training that comes under the act. Since the passing of the 1917 act others have been added that have greatly increased the relative importance of vocational education. Particularly has this phase of education grown during the years the nation has been at war. The board has a director of vocational education who works under the immediate supervision of the state superintendent.

*Miscellaneous items of control under the state board of education.*—For many years the state board of education has been concerned with the erection of school buildings in the county school districts. Since the early part of this century local county boards cannot legally construct schoolhouses unless the plans first "shall have been submitted to a commission consisting of the State Superintendent of Public Instruction . . . [and others]."<sup>58</sup> Moreover, this official is required by law to formulate a building code govern-

<sup>54</sup>*School Laws of Utah*, 1943, 85-3-4.

<sup>55</sup>*Ibid.*, 85-3-15.

<sup>56</sup>Kathrine A. Frederick, for the Advisory Committee on Education, *State Personnel Administration with Special Reference to Departments of Education*, Washington, D. C., 1939, p. 24.

<sup>57</sup>*Laws of Utah*, 1917, ch. 124, sec. 2.

<sup>58</sup>*Laws of Utah*, 1909, ch. 32, sec. 1, amended.

ing school building plans and specifications in county districts. An elaborate and detail code was devised in 1945-46 under state supervision.

At various times the state board of education has participated extensively in investigations of education within the state. These studies have been made in keeping with legislative enactment. One rather early example may be noted in a statute passed in 1915. This act created "An Educational Code Commission." It was the duty of the commission, "To make a careful study of the organization of the present public school system of the State. . . ." The law states that the personnel of the commission shall "consist of the State Superintendent of Public Instruction. . . [and others]."<sup>60</sup>

The state board of education has been given the legislative mandate to "promote the establishment of libraries and gymnasiums throughout the state." As the state board of education began extending its authority beyond that of directing the certification of teachers, libraries became an item of interest for the state school governing body. In 1907 an act was passed that gave permission to local boards of education to place a levy of one-half mill for the purpose of purchasing and maintaining a public library, provided "that this fund shall be expended under the State Board of Education for books for school library purposes, under such rules and regulations as it may prescribe."<sup>60</sup> In 1909 the plan of securing revenue was changed by law, thereby enabling local school boards to ear-mark and spend money equaling fifteen cents per capita for children six to eighteen years of age, "provided that the library fund thus created shall be expended under the direction of the State Board of Education. . . ."<sup>61</sup>

Prominent school men worked closely with the state board of education giving assistance in initiating school libraries. For example, minutes of the state board indicate that Howard R. Driggs met with this governing body on several occasions and talked about libraries. Driggs was appointed by the board to select library books and on January 4, 1908, he submitted a recommended list of titles. On January 25, 1908, the board adopted a list of library books that might be purchased by the local boards of education.<sup>62</sup>

Shortly after the turn of the century a statute was enacted

<sup>60</sup>*Laws of Utah*, 1915, ch. 20, sec. 1.

<sup>60</sup>*Laws of Utah*, 1907, ch. 102, sec. 1.

<sup>61</sup>*Laws of Utah*, 1909, ch. 44, sec. 1.

<sup>62</sup>*Minutes of the State Board of Education*, January 25, 1908, pp. 150-2.

providing for a "course of instruction on subjects of sanitation and cause and prevention of disease." The preparation of this subject-matter material was the joint assignment of the state board of education and the state board of health.<sup>63</sup> In 1911 a mandate was given local boards of education for teachers or others to examine all children during the first month of school "to ascertain if they have defective sight or hearing or diseased teeth or if they are addicted to mouth breathing." The examinations were to be given "under rules prescribed by State Board of Health."<sup>64</sup>

Likewise, the state school governing body has been required to establish and direct "Americanization Schools."<sup>65</sup> It will be noted that many of these additions to the regular educational program emerged after the close of the first world war. Among the changes that occurred at that time, and one resulting from the findings of the physical status of youth in the military services, was the initiation of a more effective health program. In 1919 an act was passed by the legislature creating a director of health education for the state. The state board of education was given authorization to determine qualifications of the director of health, to make the appointment, and to fix the salary. The law states: "Under the State Board of Education, the Director of Health Education shall exercise general supervisory control of health education in the public schools of the State. . . ."<sup>66</sup>

In April, 1921, the state board of education initiated the vocational rehabilitation program and appointed a director, who was to serve also as a member of the state school staff.

*Expansion of state school staff.*—Other expansions, as the educational services have increased, have made it necessary for the enlargement of the state school staff. This trend of increased supervisors, necessary because of the complexities and additions of the enlarged school offerings, was recognized in the amended law of 1921:

The State superintendent of public instruction shall be chairman of the state board of education. Upon the recommendation of the state superintendent, the state board of education shall have authority to appoint a secretary of the board, and such directors, supervisors, and assistants as are necessary in the administration and supervision of the public school system.<sup>67</sup>

<sup>63</sup>Laws of Utah, 1907, ch. 96, sec. 1.

<sup>64</sup>Laws of Utah, 1911, ch. 140, sec. 1.

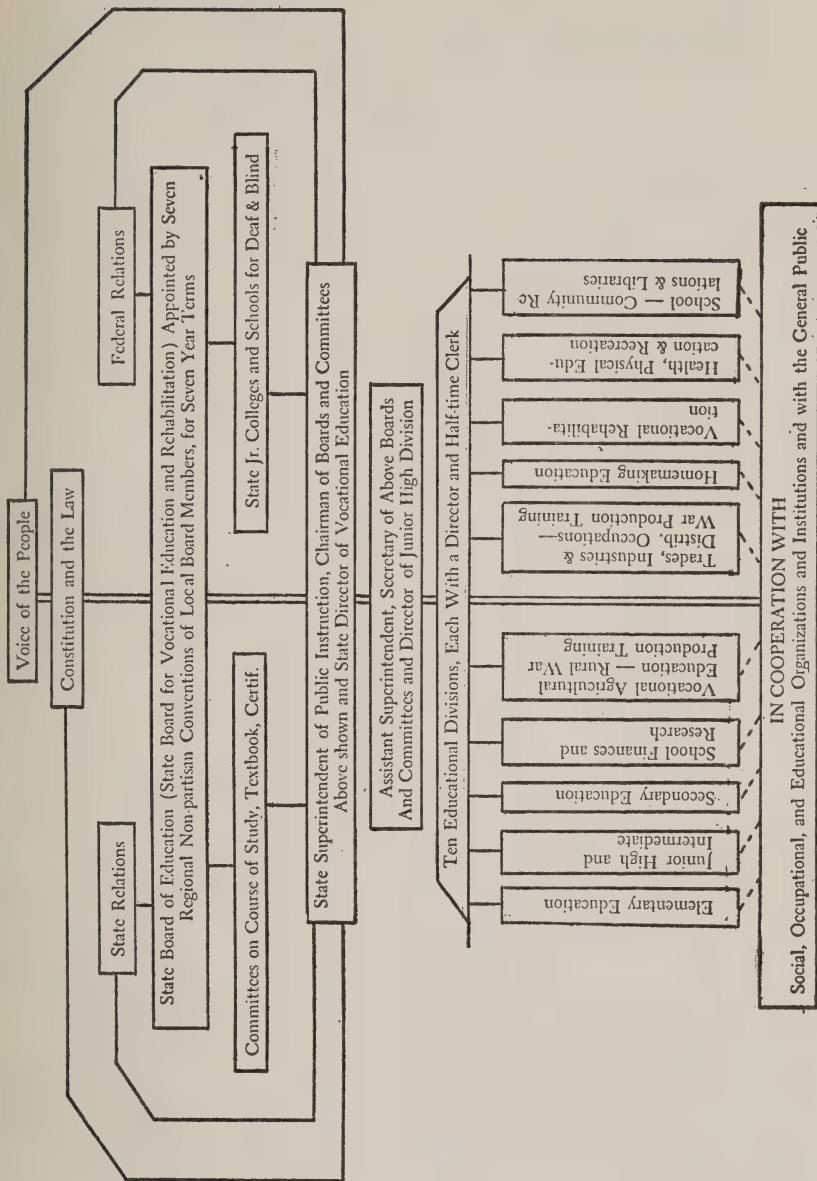
<sup>65</sup>Laws of Utah, 1919, ch. 93.

<sup>66</sup>*Ibid.*, ch. 85, sec. 1.

<sup>67</sup>Laws of Utah, 1921, ch. 93, sec. 1 amended.

FIGURE 1

PATTERN OF SCHOOL ORGANIZATION AND ADMINISTRATION ON STATE LEVEL





The general control of adult education is vested "in the State Board of Education."<sup>68</sup> Likewise, the statutes state that "The Supervisors of agricultural and industrial and home-economics education shall do their work under the supervision of the state board of education."<sup>69</sup> The educational services and therewith the work exacted of the state school office, has multiplied many times during Utah's educational history. The Utah school report of 1942-44 contains a diagram showing the several divisions of departments and the services rendered. (This shown in Fig. 1.)

*Statutory alterations of state board personnel.*—As previously stated, the first state board of education in Utah consisted of the state superintendent of public instruction, the president of the University of Utah, the president of the Utah State Agricultural College, and two other persons appointed by the governor and approved by the senate.<sup>70</sup> By 1915 the number on the board was increased to nine, provision being made for the governor to appoint six additional members.<sup>71</sup> The survey staff in its study of education in Utah in 1926 made a criticism of the method in which the personnel of the board were selected. Recommendation was made,

... that appointment of the state board of education by the governor be continued; that the board consist of nine members, each appointed for a period of nine years, one member retiring each year; that it be made up in larger measure than at present of citizens who are not professional educators actively engaged in educational work.<sup>72</sup>

In 1933 the legislature passed an act creating a commission to study the several units of government in Utah. A portion of their investigation deals with the schools. Concerning the state board of education and the superintendent, the commission recommended a constitutional amendment and a new statute. Included therein it said:

The bill would set up as personnel of the state board of education nine members to be appointed from the state at large, each for a term of nine years and so arranged that one term will expire each year. Qualifications of appointees should be citizenship, public confidence and outstanding business and administrative ability. The board to be required to select a state commissioner of education, qualified by training, experience and personal character for such

<sup>68</sup>*School Laws of Utah*, 1943, 75-30-2.

<sup>69</sup>*ibid.*, 75-17-1.

<sup>70</sup>*Laws of Utah*, 1896, ch. 30, sec. 1.

<sup>71</sup>*Laws of Utah*, 1915, ch. 109, sec. 1.

<sup>72</sup>*Survey of Education in Utah*, Bureau of Education Bulletin, 1926, No. 18, p. 19.

office and an adequate staff of professional and clerical assistants, at salaries fixed by the board.<sup>73</sup>

In 1939 an act was passed by the legislature authorizing the governor to appoint "A Fact Finding Body to Make a Study of the System of Public Schools of the State and the State Educational Institutions. . . and to make a report."<sup>74</sup> This commission reported in 1940 and made recommendations much the same as those of the 1926 survey commission and others who have studied Utah's educational system.<sup>75</sup>

Perhaps the two most significant recommendations made by all those qualified to investigate the general administration of Utah, and which remain unchanged, are:

1. To amend the constitution and otherwise enact needed legislation that will remove the superintendent of public instruction from a politically elected office, making this official one that is appointed by the state board of education.

2. Giving general administration of all public education in the state including the Utah State Agricultural College and the University of Utah to the state board of education.

Partial recommendations of investigating committees have been made and in 1935 a law was passed that changed the method of selecting the personnel of the state board of education. The pertinent portion of this law follows:

The state board of education shall consist of the state superintendent of public instruction and nine other persons, appointed by seven regional school board conventions; or by the governor by and with the consent of the senate as provided hereinafter.

All members of city and county district school boards of each of the seven judicial districts of the state shall be members of a regional school convention to be held within said district and to bear the same number as the said judicial district.<sup>76</sup>

The state superintendent of public instruction was given the legal responsibility of designating the place and time of the several regional conventions. An overlapping of time in years of service was arranged in the statute in such a way that all would not come to or leave the board simultaneously. In case of a vacancy, the governor is required to appoint a member from the district in which the vacancy occurs.

<sup>73</sup>*State of Utah, Report of Investigating Committee of Utah Governmental Units*, p. 15.

<sup>74</sup>*Laws of Utah*, 1939, ch. 82.

<sup>75</sup>*Public Education in Utah. A Report of the Fact Finding Body*, 1940.

<sup>76</sup>*Laws of Utah*, 1935, ch. 56, sec. 1.

The board is non-partisan and serves well in this important capacity. Concerning the method of selecting and service, one state superintendent having served as a member of this board has said, "The State Board of Education is perhaps the most independent and most representative in the state. . . ."<sup>77</sup>

More recent attempts have been made to provide ways and means whereby the state board of education and the superintendent as an executive to the board may better function in the administration of the schools. As indicated above, the constitution makes the state superintendent a member of the board of education. A resolution was introduced into the 1945 Legislature proposing to amend the constitution in such a manner that it would be possible to remove the chief school official from the board of education. The proposition stated: "The general control and supervision of the public school system shall be vested in a state board of education, the members of which shall be elected as provided by law."<sup>78</sup> This resolution, if approved, would have placed the responsibility upon the Legislature of enacting a statute at a later date specifying the method of selecting the state board and at the same time would have made possible the appointment of an executive by the board serving as a commissioner of education or as a superintendent of public instruction. The resolution passed the Senate but failed to emerge from the sifting committee of the House of Representatives.

<sup>77</sup>*State Superintendent's Items for District School Superintendents*, 1939, p. 894.

<sup>78</sup>S. J. R. No. 5, Legislative Session of Utah, 1945.

## CHAPTER VIII

### THE ESTABLISHMENT OF FREE SCHOOLS

#### GENERAL BACKGROUND OF EDUCATION PRECEDING FREE SCHOOLS

*European schools were tuition schools.*—Several centuries have passed since a few leaders in education first began to advocate the desirability of providing, free from financial obligation, learning opportunities to those individuals seeking enlightenment. During the sixteenth and seventeenth centuries a number of European philosophers and theologians advocated free education. At that early date, however, education was regarded as the right and privilege of the upper classes. Many maintained that learning would make the poorer and slave classes unhappy with their social and economic status, and hence declared their opposition to it. With the spread of the protestant revolution, however, a new point of view toward universal instruction emerged. The leaders of this great movement maintained that salvation could be attained only by the people reading the Bible. Out of this new religious rejuvenation came impelling desires for the masses to learn to read, regardless of their social status. Extensive headway was not made at that time toward providing an organized plan of education that would make all men literate. Unlike America, Europe never developed a system of education in which a child may start early in life, and at public expense, continue onward until he has completed the secondard schools or college. On the other hand, segregation of school units in which the pupils were classified according to political influence or social standing has been typical of the European countries. Moreover, these unit organizations customarily terminated with elementary education, and the people who were unable to pay the educational bill ceased to continue onward for additional schooling.

*Education in the early New England colonies was not free.*—Organized education began with the Latin Grammar schools and with Harvard College. The boys attending these institutions were of the upper economic classes, and it was comparatively easy for them to pay for their education. Social influence was so strong that the students were listed according to the family's social and religious status, instead of alphabetically. The first free schools in America



were distinctly charity schools. The home and the church were expected to assume the major obligations of teaching the children. The American colonists did not establish a system or organized plan of education comparable to that which exists in the several states to-day. The best-known schools at that time began at the "top" of the educational ladder, and it was the task of the home—with any outside help that could be obtained—to provide the so-called elementary training.

This absence of organized and united effort on the part of any public agency retarded education at the time the New England colonies began disintegrating with the westward expansion. By the close of the eighteenth century the schools in America were at a very low ebb. Colleges were both few in number and inferior in quality. Some academies established in certain centers helped to provide practical training for those who were interested and had the ability to pay for their instruction; but these institutions were maintained by an individual or a corporation usually for a profit, and therefore the fees were prohibitive to the poorer people.

At about 1820 new developments gave impetus to the growth of free education. The population of the nation rapidly began to increase because of the vast numbers of European emigrants. Cities, formerly small in size, soon emerged as industrial centers. New inventions and discoveries created new industry, and manufacturing outside of the home became common. Simultaneously, some people went to the cities because of the growing factories, and others, preferring an agrarian life, migrated westward to acquire new lands. Perhaps the most important single factor in the development of free education was the political and social philosophy that was emerging as a part of the great democratic ideals. With this the common man assumed an attitude of increased importance, and all men became recognized as having intrinsic value. Within less than a decade the first public high school at Boston and the first high school for girls were established. Likewise, within that decade, Jackson came to the presidency of the United States and the new democratic philosophy was initiated with a vengeance. The educational ideals of such men as Thomas Jefferson were again revived and people began to think and talk about the desirability of educating the masses if democracy were to be perpetuated and extended.

Those interested in education began to think and work for an organized pattern of schools. In 1812 the first state superintendent came to office. During the decade of the 1830's considerable

educational history was made: teacher-training institutions were established, more organized effort was effected, and a few great educational leaders began to disseminate an influence that contributed to the growth of free schools. Such men as Horace Mann, Henry Barnard, and James G. Carter came to prominence as advocates of non-fee schools. These men and others advocated gradation of schools, and for the first time in the history of American education, plans were devised and schoolhouses erected that were used exclusively for educational purposes. New educational societies were organized and a body of literature developed that influenced the layman as well as the person devoting his time and ability to instructional services.

*The status of the first schools in Utah.*—The above description of education in the United States preceded the founding of Utah by only a short period of time. During some of the transitional years when the state and local governments were displacing charity organizations and the church as administrative agencies in education, the founders of Utah were wandering from Ohio to Missouri, then to Illinois, and on to the Great Basin. When they arrived in the Salt Lake Valley just before the mid-point of the century, these migrants were so poverty stricken that they were unable to provide publicly financed schools—even if they had selected this as their choice. They were at once confronted with the necessity of providing a shelter to protect themselves from the burning rays of the sun and the cold of winter that was soon to follow. The limited amount of food they possessed had been transported from the Missouri River over a crude road, and drawn by oxen or horse teams. The task of providing food and shelter, therefore, took most of their energy. Under such conditions, education was of necessity forgotten until community life and a supporting economy were established. True to their traditions, however, it was not long before schools were in operation.

Money had very little value as a medium of exchange among the first white residents of the Great Basin. Moreover, a homogeneity of religion and a single united motive of making a new home in the mountains, impelled each to work for the general welfare of all. As in all primitive societies, food, shelter, and clothing were basic needs. Under these circumstances it mattered little whether or not the very first teachers were paid.

At the time the founders initiated the first schools it was not uncommon for the education of the indigent child to be paid from

public funds, and the others to pay their own school costs. This custom, brought from the more eastern states, is reflected in some of the early Utah legislation. For example, the act that created the University of Deseret in 1850 states that it is the duty of the university chancellor and regents "to establish a free school Institution for the benefit of orphans, and other indigent worthy persons."<sup>1</sup> In 1852 the territorial Legislative Assembly passed a law making legal certain acts of apprenticeship and indenture. It thereby became legal for any minor child to "be bound to serve until the attainment of the age of legal majority." The educational and economic obligation of the master to such a child may be noted in the following legislation: "The master shall send the said minor child to school between the ages of six and sixteen, three months in each year if there be a school in the district or vicinity; and at all times, and in all cases the master shall clothe the minor child in a comfortable and becoming manner."<sup>2</sup> The influence of charity and philanthropy as sources of revenue for public education were apparent in Utah, as elsewhere in the nation, for many years. Recognizing the inadequacy of the methods of paying the school costs, Superintendent Campbell suggested the advisability of seeking aid from philanthropists in his report to the assembly for 1871. He said:

It is respectfully suggested that there should be an agent appointed in behalf of the Territory to solicit and receive benefactions, which may be made to the common school fund of the Territory. If any of the States or Territories have claims upon the generosity of philanthropists throughout the nation for assistance in their educational efforts, surely Utah, whose inhabitants are engaged in reclaiming the most arid and forbidding portion of the public domain, will not be forgotten.<sup>3</sup>

### FREE SCHOOLS EMERGED SLOWLY

*Produce as pay for education.*—As indicated above, food, shelter, and clothing were more important than money to the first colonists of Utah in an economy isolated from possibilities of trade elsewhere. This situation existed for some years; hence produce, home-manufactured articles, and exchange of labor were used to pay the educational bills in many of the first schools in Utah. In the main, these schools were public only in the sense that they

<sup>1</sup>*Laws of the Territory of Utah*, 1850, sec. 13 of "An Ordinance Incorporating the University of the State of Deseret."

<sup>2</sup>*Laws of the Territory of Utah*, 1852, sec. 11 of "An Act Directing Control of Minor Children Bound to Serve."

<sup>3</sup>Robert L. Campbell, *Territorial School Report*, 1871.

were open to all alike, but were private in that the teacher operated the school without either publicly organized administration or public revenue. The teacher set the fee and decreed what the nature of the payment should be. Many of the issues of the early *Deseret News* contain the advertisement of these school operators. For example, on March 11, 1857, James Lonforth announced a school of "writing and arithmetic, \$2 per month," and declared that payment could be made "in cash, store pay or produce."<sup>4</sup> Likewise, Z. Snow announced an evening school in which "lessons will be given in Arithmetic, Grammar and Geography." Tuition was established at \$5.00 and this could be paid by "cash or produce."<sup>5</sup>

One announcement was made in which the course of study consisted of "elocution of reading. . . . grammar. . . . mental and written arithmetic. . . . [and] the Clark system of writing." Fees in this instance were set at \$5.00 per quarter and stipulation was made that "\$1.00 on each pupil [is] to be paid in cash." The balance could be paid with "all kinds of produce and home manufactures taken at the market price."<sup>6</sup>

*Some schools entirely free.*—Inasmuch as teaching was a means of increasing one's income, or at least enlarging one's supply of goods, and inasmuch as the early school laws failed to provide for teacher payment, the only substitute to a free school was to insist on payment by the individual who received the benefit of instruction. Occasionally there were exceptions to this procedure and declaration is made that some few schools were entirely free. The *Deseret News* states that in 1860, one Mr. Findlay conducted a free school "in the 6th Ward" in Salt Lake City.<sup>7</sup> From the same source is the statement that "a school was opened in one of the 14th Ward Schoolrooms, which, we are informed, is to continue during the winter, free to all residents of that ward, whether old or young, who may feel disposed to attend."<sup>8</sup> Salt Lake County Superintendent of Schools, R. L. Campbell, was one of the teachers in this free school. Others were "Messrs. East, Church [and] Wright."<sup>9</sup>

Among the first free schools of Utah was the Union Academy. This was an institution designed by Brigham Young for the benefit of those who wanted "to qualify themselves to be useful to themselves and this community, as speedily as possible." In further de-

<sup>4</sup>*Deseret News*, Vol. VII, March 11, 1857.

<sup>5</sup>*Deseret News*, Vol. VIII, December 22, 1858.

<sup>6</sup>*Deseret News*, Vol. XI, January 22, 1862.

<sup>7</sup>*Deseret News*, Vol. X, December 5, 1860.

<sup>8</sup>*Ibid.*

<sup>9</sup>*Ibid.*



scribing this learning center, the Mormon leader said, "Tuition will be free, and the school will begin under the supervision of Orson Pratt, Jun., and James Cobb, teachers under the supervision of Orson Pratt, Sen."<sup>10</sup>

### THE LEGAL BASIS FOR PAYING THE COST OF EDUCATION

*City ordinances.*—In the early part of the year of 1851 the Legislative Assembly passed a series of acts that incorporated certain cities in Utah. Among the rights and duties of these newly created city councils was that of giving support to schools. The act granting incorporation rights to Salt Lake City was passed on January 19 of that year, and on February 6, similar ordinances were enacted that gave incorporation privileges to Ogden, Provo, Manti, and Parowan. Portions of sections 10 and 11 of the incorporating act decreed, "The City Council shall have power and authority. . . to establish, support, and regulate common schools . . . ."<sup>11</sup>

In 1853 the Legislative Assembly passed an act providing specifically for the assessment, collection, and expenditure for a series of public services within incorporated cities. Pertaining to the schools, the following is important:

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all incorporated cities which have organized, and are acting under their respective charters, are hereby authorized annually to assess, collect and expend the necessary tax for. . . schools. . . and regulate and control the same within said city incorporations.

Sec. 2. The inhabitants of said incorporated cities shall be exempt from all assessments for. . . school purposes, except on such property as they may possess outside city boundaries.<sup>12</sup>

Over the years of time the Legislative Assembly and the several city councils made repeated efforts to provide a system of taxation that would adequately take care of the schools and make them free or partially free. Some of the relatively late legislative acts changed but little those passed at an early date. For example, in 1872, the Legislative Assembly amended "the charters of incorporated cities," and therein decreed, "The city council of any city shall have power to. . . provide for public schools or other

<sup>10</sup>*Deseret News*, Vol. X, May 30, 1860.

<sup>11</sup>*Laws of the Territory of Utah*, 1851, secs. 10-11 of "An Ordinance to Incorporate Great Salt Lake City."

<sup>12</sup>*Laws of the Territory of Utah*, 1855, secs. 1-2 of "An Act in Relation to the Assessment, Collection and Expenditure of a Tax. . . within Incorporated Cities."

institutions of learning. . . , provide for school funds by direct tax or otherwise, and how the same shall be collected and disbursed.”<sup>13</sup>

In spite of the legislation enacted, actual assessing and collecting of tax money for school revenue was retarded. Particularly is this true if compared to the free schools of today. The first public revenue was only for the construction and partial maintenance of school buildings. Teachers were not paid with tax-collected money, nor were books and other supplies purchased therewith. The retarded development of school tax revenue within the cities may be noted in the case of Provo. On June 27, 1853, the City Council passed an ordinance, “Relative to assessing a tax for the purpose of building school houses.” The content of this ordinance is as follows:

Be it ordained by the City Council of Provo City, that the Trustees of the Several School districts within the City of Provo are hereby authorized and empowered to levy a tax on the property assessed by the City Assessor in said districts sufficient to build suitable school houses for said districts, having the same power to collect said tax as the County Collector has in their respective counties. . . .<sup>14</sup>

The reluctance with which the Provo people accepted the school tax may be noted by the fact that this ordinance was repealed January 31, 1854. Lucius N. Scovil, writing for the Provo City Council to the Board of Regents of the University of Deseret in 1855 said that considerably more than 50 per cent of the children of school age were not in any school and of those attending, “There are about 40 scholars whose parents are unable to pay their schooling.” This retardation of levying and collecting a school tax for the payment of teachers may be further noted in the declaration of Mayor E. Hanks of Provo who said to the city council on February 28, 1861: “In regard to common schools in this city, it is to every man’s interest to see to this. I will be in favor of levying a small cash tax to encourage the teachers to do justice to the school and scholars, as the teachers need some things that they cannot get without cash.”<sup>15</sup>

*The territorial school tax of 1852.*—The legislative act that created public school organization in the territory of Utah was passed March 3, 1852. From the standpoint of the development of free schools this is an important statute. It created the school district and provided for the election of trustees as administrative officers.

<sup>13</sup>*Laws of the Territory of Utah*, 1872, ch. 8, sec. 3-4.

<sup>14</sup>*Journal of Proceedings of Provo City Council*, 1853.

<sup>15</sup>*Journal of Proceedings of Provo City Council*, 1861.

Likewise, it provided for the assessing and collecting of a school tax. The right of receiving school revenue may be noted in the following portion of the law:

That the trustees so elected shall have power to assess and collect a tax upon all taxable property in said district for the purpose of building and keeping in repair suitable school houses, in their respective districts. In order to complete the collection of the tax assessed, upon being duly notified thereto, the trustees have power to dispose of personal and real estate, and any conveyance made upon such sale shall be deemed valid.<sup>16</sup>

This law gave the school trustees the right to assess and collect a school tax, but also specifically mentioned that it was for the "purpose of building and keeping in repair suitable school houses." In reality then, it did little or nothing to make schools free. Preceding this date, all schools were built by volunteer labor; and for years after the enactment of the law, in actual practice most school buildings were constructed by voluntary labor. There was at least one instance in 1853 when a tax of \$25 per lot was exacted to construct a ward schoolhouse,<sup>17</sup> with a penalty threat of selling the lot for default in payment; but from the initial settlement of Utah the people erected the structure that housed both the church and the school. The biennial report of the territorial superintendent written in January, 1880, contains the statement: "In a great number of school districts in the Territory, buildings have been erected for school purposes, and during the week are so used, while on the Sabbath day they are made to supply the place of churches or meeting-houses in which the neighborhood conduct their religious worship."<sup>18</sup>

*Efforts to increase the school tax.*—In 1854 the Legislative Assembly amended the law of 1852. In the later statute the people were authorized to determine the rate of tax and the trustees were required to make a report of their revenue collections and expenditures to "the board of examination in their respective counties."<sup>19</sup> The executive and legislative branches of the territorial government recognized the need of school funds, and on March 3, 1852, they prepared a "Memorial to Congress, for an Appropriation for Support of Schools." Herein they reminded Congress that school lands were not yet available in Utah, and requested \$24,000 to pay the costs of the Legislative Assembly, stating that:

<sup>16</sup>*Laws of the Territory of Utah*, 1852, sec. 4 of "An Act in Relation to Common Schools."

<sup>17</sup>*Deseret News*, Vol. III, May 4, 1853.

<sup>18</sup>John Taylor, *Territorial School Report*, 1878-79.

<sup>19</sup>*Laws of the Territory of Utah*, 1854, secs. 3-4 of "An Act in Relation to Common Schools."

. . . so much thereof as shall not be expended for the purpose for which it was appropriated, together with such additional sum as your wisdom and liberality may see proper to bestow, be appropriated, to be invested by your memorialists in some productive fund, the proceeds of which shall be forever applied by the Legislature of said Territory, to the use and support of schools.

The early attention of your honorable body is respectfully solicited to the favorable consideration of this deeply interesting subject, fraught as it is, with consequence of so much importance to the youth of this new and flourishing Territory; and your memorialists, as in duty bound, will ever pray.<sup>20</sup>

Three days after the above memorial was written the governor and Legislative Assembly sent another request to Congress asking for a survey of lands in the territory and praying for "the same privileges and donations of land to settlers, and for educational purposes, as were extended to the people and Territory of Oregon. . . ." <sup>21</sup>

On January 17, 1854, an additional memorial was prepared and sent to Congress. In this document the national law-making body was reminded of the isolation of Utah's young people. As yet no public lands were available to give financial aid to education, and in the opinion of the territorial Legislative Assembly, assistance was needed for the university. A portion of this memorial follows:

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, feeling a deep interest in the future welfare of the Territory, and for the advancement of her sons and daughters in science and literature, respectfully ask your honorable body to appropriate the sum of five thousand dollars, to advance the interests of the University, established by law, in the City of Great Salt Lake! and that the said sum be applied to the above purpose, under such regulations as your honorable body may appoint.<sup>22</sup>

From time to time other requests for educational aid were made of the Federal Congress, and frequently expressions of disappointment were published because the government failed to do what the leaders in Utah's political and educational endeavors deemed wise. As early as December 13, 1852, Governor Young called the attention of the members of the Legislative Assembly to the need for public support to education. On that date he said, "I cannot too earnestly recommend to your favorable consideration, this subject [education]. . . ; fraught as it is, with the deepest interest to the well being of the rising generation, which will ere long be our representatives upon the earth."<sup>23</sup>

<sup>20</sup>*Acts, Resolutions and Memorials Passed by the First Annual and Special Sessions of the Legislative Assembly of the Territory of Utah, 1852.*

<sup>21</sup>*Ibid.*

<sup>22</sup>*Acts and Resolutions Passed at the Third Annual Session of the Legislative Assembly of the Territory of Utah, 1854.*

<sup>23</sup>Brigham Young, "Governor's Message," *Journal of the Legislative Assembly of the Territory of Utah, 1853.*



On December 12, 1853, he addressed the Legislative Assembly again and emphasized the existing need for some financial assistance to education.<sup>24</sup> Beginning with Brigham Young, one by one the governors of Utah's territorial history made pleas for financial support to education through some method of taxation. Some of the important messages are as follows: Governor Cumming said, in December, 1859, "In. . . 1858, I endeavored to impress upon that body [the Legislative Assembly] the vital importance of appropriating a portion of the territorial revenue to the establishment and maintenance of common schools throughout the Territory, and I again urge that subject upon your earnest consideration."<sup>25</sup> On November 12, 1860, he again addressed the assembly:

I have witnessed with pleasure the evidences of increasing interest in the subject of education. . . . But as yet you have no free or common schools; and I would again impress upon you the vital importance of appropriating a portion of the territorial revenue to the establishment and maintenance of such schools. . . .<sup>26</sup>

A similar plea was made to the assembly on December 10, 1861. In 1862 Governor Stephen S. Harding said:

I have not been able to find any law upon your statutes inaugurating a common school system, or that any money has been appropriated with a view to that end, although you have appropriated money to other objects of much less importance. . . . It seems to me that the time has past when the Territorial Fund should be used for that purpose at the expense of so important a measure as that which looks to the education of the rising generation amongst you.<sup>27</sup>

James Duane Doty, acting as governor, addressed the Legislative Assembly, December 12, 1864, and said, "Schools and the means of education ought to be provided in every settlement in the Territory. . . . To your wisdom I commend this most important subject for legislation. . . ."<sup>28</sup>

In his governor's message on December 11, 1865, Charles Durkee declared, "It is my settled conviction, that the property of a State or Territory should be taxed to defray all expenses of the edu-

<sup>24</sup>Brigham Young, *Message to the Legislative Assembly*, Dec. 12, 1853.

<sup>25</sup>A. Cumming, *Message to the Legislative Assembly, Journals of the Legislative Assembly of the Territory of Utah for the Ninth Annual Session, for the Years 1859-60*.

<sup>26</sup>A. Cumming, *Message to the Legislative Assembly, Journals of the Legislative Assembly of the Territory of Utah for the Tenth Annual Session, for the years 1860-61*.

<sup>27</sup>Stephen S. Harding, "Governor's Message," *Journal of the Legislative Assembly of the Territory of Utah*, 1862-63.

<sup>28</sup>James Duane Doty, "Governor's Message," *Journal of the Legislative Assembly of the Territory of Utah*, 1864-65.

cation of its children. The common schools should be entirely free to all."<sup>29</sup> A year later Governor Durkee renewed his plea for free education, saying, "such steps as are practicable should be taken towards making the means of education free to all children within the Territory."<sup>30</sup>

For almost another quarter of a century men in public life in Utah recognized the dire need for free education, and earnestly sought the territorial legislative body to enact such law as would provide schools to all children without cost. Criticism was made of some of the tax laws that were passed but not enforced; or that gave local administrators the right of decision, and hence were permissive only. Concerning this last issue, Governor George W. Emery declared to the legislative Assembly on January 15, 1878:

An appropriation should be made by the Legislature amply sufficient for educational purposes, and the money should be raised by a direct tax levied upon the taxable property of the Territory, in the same manner as funds are raised for other Territorial expenses.

The law now in force leaves the districts to decide for themselves whether or not they will raise by taxation the money necessary to maintain schools. This provision virtually leaves the question of schools or no schools to the respective districts, instead of to the Legislature, where it properly belongs.

...<sup>31</sup>

The gulf separating actual practice from free schools that have more recently become common may be noted by the policy adopted by Utah which provided that the plan of education for orphans and indigents was an obligation of the state, but in such a way that the stigma of charity was attached thereto. Section 12 of the original ordinance that created the University of Deseret, passed February 28, 1850, states: "It shall be the duty of the Chancellor and Board of Regents, as soon as funds arising from donations or otherwise may justify, to establish a free school institution for the benefit of orphans, and other indigent worthy persons."<sup>32</sup> As indicated above, the plan of paying for the education of indigent children, thus setting them apart from those who could pay the school cost, persisted for years to come. In 1863, and again in 1865, Superintendent Campbell "recommended that an annual appropriation be made to any city or cities which shall maintain a free school or

<sup>29</sup>Charles Durkee, "Governor's Message," *Journal of the Legislative Assembly of the Territory of Utah*, 1865-66.

<sup>30</sup>Charles Durkee, "Governor's Message," *Journal of the Legislative Assembly of the Territory of Utah*, 1866-67.

<sup>31</sup>George W. Emery, "Governor's Message," *Journal of the Legislative Assembly of the Territory of Utah*, 1877-78.

<sup>32</sup>*Laws of the Territory of Utah*, 1851, sec. 12 of "An Ordinance Incorporating the University of Deseret."

schools wherein the children of the poor may be educated gratuitously."<sup>33</sup>

If we assume that legislation was enacted to correct an existing need, we may safely say that before schools became free, some children suffered educational and therewith social neglect. As in the case of the territory at large, in the charter controlling cities, which was created in 1860 by the Legislative Assembly, the law-making body stated that the city council should be empowered "to authorize the taking up and providing for the safe keeping and education, for such periods of time as may be expedient, of all children who are destitute of all proper parental care, wandering about the streets, committing mischief and growing up in mendicancy, ignorance, idleness and vice."<sup>34</sup>

During the first years of educational planning in Utah the University of Deseret received considerable attention from the executive and legislative branches of state government. When the ordinance was passed that created this institution in 1850, one section stated: "The sum of five thousand dollars is hereby appropriated annually out of the State Treasury, for the use and benefit of said University."<sup>35</sup> It is obvious that the Legislative Assembly did not long concur in this appropriation act, because on March 6, 1852, another act was passed that repealed the university appropriation: "Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, that the 11th section of an ordinance incorporating the University of Deseret, appropriating five thousand dollars annually for the use of said University, shall be, and is hereby repealed."<sup>36</sup>

The indifference of the people in accepting the responsibility of paying taxes to support public education may be further noted in the biennial report of the territorial superintendent for the years 1864-65. Therein he said: "The superintendent, consulting public opinion, does not favor education by taxation, because, while the sentiments of the people are so favorable to education they are equally unfavorable to taxation."<sup>37</sup>

In his report for 1865 the territorial superintendent depicts the financial status of the schools by declaring, "Tuition fees range from four to six dollars per quarter for teaching the common

<sup>33</sup>Robert L. Campbell, *Territorial School Report*, 1865.

<sup>34</sup>*Laws of the Territory of Utah*, 1860, sec. 59 of "An Act Establishing a Charter for Great Salt Lake City."

<sup>35</sup>*Laws of the Territory of Utah*, 1850, sec. 11 of "An Ordinance Incorporating the University of Deseret."

<sup>36</sup>*Laws of Territory of Utah*, 1852.

<sup>37</sup>Robert L. Campbell, *Territorial School Report*, 1864-65.

branches. . . . School-houses have been [with few exceptions] built by voluntary contribution. There being no school fund available, fees for tuition are paid by the parents or guardians of the pupils. . . .<sup>738</sup>

*The beginnings of permissive tax legislation.*—Beginning in 1860 the schools of Utah began a program of improved organization and therewith better administration. At that time the legislature passed a law that created the office of county superintendent of schools. Some of this official's duties were concerned with school finance. He was required "To keep a correct account with the county treasurer, and also with the trustees of school districts, of all funds received or disbursed for school purposes."<sup>39</sup> The act that created this school office provided for a report to be made annually to the territorial superintendent, the report form becoming a part of the law. Among other items listed that were mandatory of the county superintendent were reports such as "Amount of building funds raised" and "amount of public funds appropriated to the use of schools and from where derived."<sup>40</sup>

Not until 1865 was there substantial indication in statutory form that school tax money could be used to pay teachers. At that time the Legislative Assembly passed a permissive act stating that "Each school district may, by a two-thirds vote of the tax payers of the district, assess and collect a tax not to exceed two per cent for the purpose of assisting to pay qualified teachers, and to provide suitable books."<sup>41</sup>

The school law of 1865 was amended the following year. In the latter instance the trustees could assess and collect a tax on all tangible property "not exceeding one-fourth of one per cent." If additional revenue were needed not "exceeding three per cent," the question might "be decided by a vote of two-thirds of the tax payers at a meeting called for that purpose. . . , and by a similar vote a tax may be assessed and collected of any sum not exceeding one per cent per annum, to pay teachers and furnish fuel, books, maps and other suitable articles for school purposes."<sup>42</sup>

With the availability of school funds, small in amount though they were, confusion arose as to what schools were eligible to re-

<sup>38</sup>Robert L. Campbell, *Territorial School Report*, 1865.

<sup>39</sup>*Laws of the Territory of Utah*, 1860, sec. 3 of "An Act Creating the Office of County Superintendent. . . ."

<sup>40</sup>*Ibid.*, sec. 4.

<sup>41</sup>*Laws of the Territory of Utah*, 1865, sec. 12 of "An Act Consolidating and Amending the School Laws."

<sup>42</sup>*Laws of the Territory of Utah*, 1866, ch. 162, sec. 7.



ceive this public revenue. In 1868 the Legislative Assembly gave definition to "common schools" by saying:

... that all schools organized by the direction of the Board of Trustees in the respective School Districts of this Territory, which are under the supervision of said Trustees, shall be known, in law, by the name and title of Common Schools, and shall be entitled to a just and equitable proportion of any public fund, arising from the General Government or by Legislative Enactment of the Territory.<sup>43</sup>

Substantial progress was made during the closing years of the 1860 decade. While in his January report for 1867 Campbell complained because of the permissive law not being used and said, "But few districts, if any, have assessed a tax for the purpose of paying teachers," he declared in his report written January 19, 1870, that "Many of the districts are paying their teachers by taxation, and think it an improvement upon the system of teachers collecting their pay directly from the parents of the school."<sup>44</sup>

By 1872 Superintendent Campbell had become convinced that an increased territorial tax for school purposes was necessary. In his report to the Legislative Assembly dated January 31, 1872, he said:

It is respectfully submitted whether the Territorial tax should not be increased one fourth of one per cent. And that this amount be appropriated for the use of Common Schools, also that it be enacted that the tax collected by the counties from railroads, and the licenses by cities from banks inure to the school fund. And it is further submitted whether the school fund is not the more proper to receive all fines, forfeitures and escheats.<sup>45</sup>

In the same report under the caption "Free Schools," Campbell declared "The communications of County Superintendents favor the adoption of a system of free schools. The public sentiment is sufficiently ripe to justify favorable legislation looking to that end."<sup>46</sup>

For more than twenty years following the enactment of the 1852 school law in which local trustees were given the right to levy a school tax, the revenue was very inadequate. The small districts were not assisted by territorial funds. The apathy of many trustees and the abhorance toward taxation of large numbers of residents, retarded the availability of money for education. Tuition and local taxes were the only sources of revenue. The shift toward territorial assistance in 1874 marks the beginning of a new era in school finance for Utah.

<sup>43</sup>*Laws of the Territory of Utah*, 1868, ch. 22, sec. 1.

<sup>44</sup>Robert L. Campbell, *Territorial School Report*, 1870.

<sup>45</sup>Robert L. Campbell, *Territorial School Report*, 1872.

<sup>46</sup>*Ibid.*

*Territorial tax and a minimum educational program.*—A very important law was passed by the assembly on February 20, 1874, which initiated the policy of territorial assistance in financing education, and laid the foundation for the relatively high status of education in Utah at the present time. With the enactment of this law the schools began a new educational era. While the first allocation was for only \$15,000 annually "for the next two years," it was the first attempt to equalize educational opportunity among the several school districts of Utah. This law required the territorial superintendent "to make a pro rata dividend of school money to the various school districts of the Territory, according to the number of all the children in the districts between the ages of four and sixteen years." It was significant that the trustees were required to maintain "a good school at least three months in each year" in order to receive funds from the Territory.<sup>47</sup> The act also provided for the appropriate officials both within the territory and county to receive and disburse the school money.

The efficacy of the 1874 law, wherein a penalty of deprivation of participation in territorial funds was made for those trustees who failed to conform to certain requirements, was soon noted. In his territorial school report for 1874-75, O. H. Riggs said, "The act of 1874 appropriating \$15,000 yearly, for the two years just past, to the common schools, has accomplished much good. Though but a small amount, yet it proved to be a spark, from which a flame of interest has been kindled, that has never before been felt in this Territory."<sup>48</sup>

*Increase of territorial funds.*—The amount of money appropriated from general territorial funds for school purposes gradually increased. The Legislative Assembly in 1876 passed an act appropriating \$25,000 annually "for the use of schools in this Territory." Twenty thousand of this amount was to "be for the use of district schools" and limited to the paying of school teachers "according to the average daily attendance of pupils." The remaining \$5,000 was to be used by the university chancellor and board of regents, "provided, that forty pupils annually shall be instructed free of charge. . . . for one year in the normal department of said university."<sup>49</sup>

An additional progressive step in school finance was taken in

<sup>47</sup>*Laws of the Territory of Utah, 1874, sec. 4 of "An Act Appropriating Money for School Purposes."*

<sup>48</sup>O. H. Riggs, *Territorial School Report, 1874-75.*

<sup>49</sup>*Laws of the Territory of Utah, 1876, "An Act Providing for the Establishment and Support of District Schools, and for other Purposes," sec. 20.*

1878. At that time the Legislative Assembly passed an act providing for a "tax of three mills on the dollar." This procedure substituted a general territorial tax for the appropriation of a specific amount and has remained one of the basic methods of taxation since that time. During the first year of change the amount of money appropriated to the schools from territorial sources increased considerably.

The territorial superintendent reported to the legislature in 1879 that "the total amount of school tax for the year 1879, as per statement of the Territorial auditor, is \$67,939.35 of which sum, \$66,365.10 has been allotted to the several counties."<sup>50</sup> He further reported "the average amount of the Territorial allotment per year for the past two years is \$65,106.35."<sup>51</sup> This approximate amount of revenue, based as it was on a three-mill levy, remained near this figure for some time to come. The territorial superintendent reported a net of \$63,041.60 that was allocated to the various counties in 1880, and "net revenue standing to the credit of public schools of \$67,043.78 for the year" 1881.<sup>52</sup>

In spite of an almost continuous attempt to obtain sufficient revenue to make education free, the opposition thereto greatly retarded substantial increases of school taxes. Territorial Superintendent Williams described this apathy toward free schools in 1887 as follows:

There is one subject to which I desire especially to invite your attention, and urge a change in our laws upon that subject, and that is the establishment of a free school system, whereby every child in the Territory of school age shall be entitled, without payment of tuition fee, to all the privileges of the district schools.

So far as I have been able to learn, there is not a State or Territory in the Union, except only Utah, but what has introduced such a system of education. I think it is not only a matter of regret and humiliation, but a just reproach, that this Territory, with its large wealth and population, should be behind Territories like Idaho, Wyoming, and Arizona in this matter of public free school education. Surely there is no reason, if we really prize the benefits of education, why we should not have such a system in successful practice and it seems to me that no time should be lost in now supplying that which should long ago have been provided.<sup>53</sup>

Not unlike the legislature and public agencies elsewhere that controlled the amount of money made available over the years of rising costs for public school purposes, the law-making body of Utah

<sup>50</sup>John Taylor, *Territorial School Report*, 1878-79.

<sup>51</sup>*Ibid.*

<sup>52</sup>L. John Nuttall, *Territorial School Report*, 1880-81.

<sup>53</sup>P. L. Williams, *Territorial School Report*, 1886-87.

was conservative in the amount of revenue made available for education—either from the state, or from local taxation. At different times groups of public-spirited citizens appeared before the legislature and requested more money for the schools. Such an example, and the disposition of the Legislative Assembly, may be noted in the case of “Wm. R. Smith and 258 others,” of Davis County, when they petitioned the Legislative Assembly to amend the school law granting an excess of a three-mill levy for public schools. The committee that analyzed the petition reported back to the assembly that the request was made urging the

. . . striking out of the word ‘three’ preceding the words ‘mills on the dollar for the benefit of district school,’ and inserting in the stead thereof the word ‘six,’ so that the same shall read ‘six mills on the dollar for the benefit of the district schools,’ respectfully report that they have fully considered said petition, and are of the opinion that it would not be wise legislation to increase its school tax to any sum not exceeding two per cent, per annum, as shall be decided by a two thirds majority vote of the property tax payers resident in the district. With these powers the petitioners can tax themselves six mills on the dollar, and even more if they so desire, without any additional legislation. Your committee therefore return the petition and recommend that the prayer be not granted.<sup>64</sup>

Relatively little significant legislation pertaining to school finance was enacted during the 1880 decade. Educational leaders were able to see the distinct advantage of placing more responsibility on the territory for paying the educational bills of all the children. They were opposed to allowing the “two-thirds majority vote” of the local district residents determining the amount of the local levy, and worked for the repeal of this part of the law. Evidence from their reports and other available documents indicates that most of the students of education in Utah thought that the laws under which the schools were being operated were generally sufficient. The facts are, that they were not. Many children in Utah preceding 1890 were not in school at all. In spite of the expansion of the territorial statutes, parents and guardians were still compelled to pay personally much of the school cost. It was not until 1890 that Utah enacted a law that made the schools essentially free to all children. With the passing of this act, education began a very rapid growth. In 1903 another step forward was taken when the legislature passed a law stating that “The school board. . . shall supply and loan to pupils in the several grades and departments of said schools, free of charge, except high schools, all school

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<sup>64</sup>Council Journal of the Legislative Assembly, 1882, p. 194.



text books and supplies used by the pupils. . . ."<sup>65</sup> In 1905 the consolidation law for counties of the first class was enacted and county school boards were given the mandate of supplying books to all but high-school pupils, free of charge.<sup>66</sup>

Free schools in Utah, as in other parts of the nation, came slowly. The poverty of the people, their isolation from progressive school systems elsewhere, and the lack of well-trained educational leaders, all contributed to this retardation. The 1890 school law and a complete reorganization of the schools into a state organization in 1896 under general state administration, directed by constitutional mandate, in which the legislature was given the responsibility of determining the methods by which the schools are financed, launched Utah schools more vigorously toward their present status of being free to all children below the high school.

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<sup>65</sup>*Laws of Utah*, 1903, ch. 60, sec. 1.

<sup>66</sup>*Laws of Utah*, 1905, ch. 107, sec. 21.

## CHAPTER IX

### THE DEVELOPMENT OF SCHOOL FINANCE

#### FREE EDUCATION

*Early methods of paying for education in Utah.*—The founders of Utah brought with them the plans and patterns of operating and financing the schools that were common to the community life they left in the New England states and along the western frontier. Although they made provision by law for the education of indigent children, they were less subjected to the pattern of pauper schools, or to any system in which the upper economic classes might attend private pay-schools and thus be separated from the poorer people. This may be accounted for by the fact that these settlers came to the Great Basin united by a religious bond that eliminated economic or social class distinction; moreover, they were all on a common economic level.

Some of the first schools of Utah were established on a non-legal basis and were not financed by public funds. Exchange of labor or payment in usable produce was the first method of financing education among the Utah settlers. This type of school was taught by a number of Utah's most noted educators, including Orson Pratt and Karl G. Maeser. As late as the close of the 19th century it was not uncommon for one to "work the school tax." For example, Wm. A. Nelson reports in his diary in 1897 that members of his family were at work paying the school tax.<sup>1</sup>

*Legislation antedating free schools.*—During the earlier years of Utah's educational history no clear distinction was made between public and private schools. The early records of Great Salt Lake City clearly indicate that money collected as tax revenue was contributed to the operation of private schools. Moreover, the Legislative Assembly enacted at least one statute that made a specific appropriation of territorial funds toward the operation of a private school. An act approved January 19, 1855, states:

#### An Act Appropriating Money for Educational Purposes.

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the sum of two thousand five hundred dollars be appropriated for building an academy in Great Salt Lake City.

<sup>1</sup>Wm. A. Nelson, *Diary*, p. 86. On file at Utah Historical Society, Salt Lake City, Utah.

Sec. 2. President Brigham Young is authorized to select the site, and furnish the plan for said academy, and appoint an agent to erect said building, and draw upon the auditor of public accounts for the above amounts, as the means shall be needed to defray the expense thereof.<sup>2</sup>

That it was the intent of the Legislative Assembly to grant at least limited power to local city officials to give some financial support to schools, may be noted by the ordinance that incorporated Great Salt Lake City, January 9, 1851; and likewise the cities of Ogden, Provo, Manti, and Parowan, on February 6 of that year. This legislative act stated, "The City Council shall have power and authority. . . to establish, support, and regulate common schools."<sup>3</sup>

The definite initiation of a school tax for given purposes came with the law of 1852. At that time the Legislative Assembly provided a means by which the small school districts could come into existence as an agency for control of the common schools, and therewith the trustees should serve as an administrative body for the schools within the district. These individuals, according to the statute, "shall have power to assess and collect a Tax upon all taxable property in said district, for the purpose of building and keeping in repair suitable school houses, in their respective districts." The trustees likewise were given "power to dispose of personal and real estate" in case the property owner did not pay the required tax.<sup>4</sup> In 1854 this law was amended so that the trustees were empowered to assess and collect the tax as before, but at such rate as should be decided upon by the vote of the people at a meeting called for that purpose. From the funds collected the trustees were required to see that a suitable building was furnished "with necessary appendages," kept in repair, and provided with fuel. The trustees were instructed to make an annual report of their official duties, including the funds collected and expended, to the board of examination.<sup>5</sup>

During many years of educational history this power to levy and collect a tax remained the right of the school trustees. The legislature made a number of amendments altering the amount that could be levied and the procedure by which the revenue should be collected. In 1860 a law was enacted that created the office of the county superintendent of schools. The most important functions of this new official were to "superintend. . . all business mat-

<sup>2</sup>*Laws of the Territory of Utah*, 1855, secs. 1 and 2 of "An Act Appropriating Money for Educational Purposes."

<sup>3</sup>*Laws of the Territory of Utah*, 1851, secs. 1 and 2 of "An Ordinance to Incorporate Great Salt Lake City."

<sup>4</sup>*Laws of the Territory of Utah*, 1852, sec. 4 of "An Act in Relation to Common Schools."

<sup>5</sup>*Laws of the Territory of Utah*, 1854, sec. 4 of "An Act in Relation to Common Schools."

ters connected with the public school domain within his jurisdiction," and account for all funds collected and expended for school purposes with the county treasurer and trustees; to audit the books of the county treasurer, and to report the status of the finances to the territorial superintendent of common schools. On a legal form provided for the purpose, the trustees in turn were required to provide the county school superintendent with information showing the "amount of building funds raised" and the "amount of public funds appropriated to the use of schools" and from whence derived<sup>8</sup>

These first school laws were permissive and if used could provide some revenue for the equipping of a building with meager necessities, including fuel. The amendment to this law in 1865 has historical significance, because for the first time in Utah's history a law was passed that made it possible to use tax revenue for teacher salaries and school books. While this law is not mandatory, it does provide a possible method of increasing the payments of school costs. The statute states: "Each school district may, by a two-thirds vote of the taxpayers of the district, assess and collect a tax not to exceed two per cent for the purpose of assisting to pay qualified school teachers, and to provide suitable books."<sup>9</sup>

*Attitude of governors toward paying school costs with public funds.*—The gubernatorial leadership of Utah knew of the poverty of the people, but notwithstanding, they consistently advocated more progressive legislation which would provide for increased school revenue. In his address to the assembly on December 12, 1853, Governor Young requested the legislative body to "consider the necessities of the Territory. . . , and if you should find it in your power, consistently, to make provision for the further encouragement of education, for the support of common schools. . . ." to so provide.<sup>8</sup> At a later date the "chairman of the committee on education" in the assembly reported that they had discussed the issue of appropriating money for educational purposes and said, "It is not deemed politic to draw from said treasury moneys for the establishment of a permanent school fund."<sup>9</sup> In 1858 Governor Cumming addressed the Legislative Assembly and urged territorial

<sup>8</sup>*Laws of the Territory of Utah*, 1860, ch. 6, sec. 3.

<sup>9</sup>*Laws of the Territory of Utah*, 1865, sec. 12 of "An Act Consolidating and Amending the School Laws."

<sup>8</sup>Brigham Young, "Governor's Message," *Journal of the Legislative Assembly of the Territory of Utah*, 1853.

<sup>9</sup>"Legislative Discussions," *Journal of the Tenth Session of the Legislative Assembly of the Territory of Utah*, December 17, 1861, p. 45.



revenue to aid the common schools of the territory. Again in one of these messages he said:

I endeavored to impress upon that [legislative] body the vital importance of appropriating a portion of the territorial revenue to the establishment and maintenance of common schools throughout the Territory, and I again urge that subject upon your earnest consideration. . . . The children of the poor are equally entitled to the benefits of education with those of the rich.<sup>10</sup>

The following legislative session the same individual said to the assembly:

I have witnessed with pleasure the evidences of increasing interest in the subject of education. . . . But as yet you have no free or common schools; and I would again impress upon you the vital importance of appropriating a portion of the Territorial revenue to the establishment and maintenance of such schools. . . . The children of the rich and the poor are equally in need of it. Some system should therefore be adopted, which will enable every child to obtain these inestimable benefits.<sup>11</sup>

In 1862 Governor S. Harding, in addressing the assembly, said: "It seems to me that the time has past when the Territorial Fund should be used for the purpose of the expense of so important a measure as that which looks to the education of the rising generation amongst you."<sup>12</sup>

In 1865 Governor Charles Durkee declared: "To give to every child. . . a suitable education, is the foremost duty of the State. . . It is my settled conviction, that the property of a State or Territory should be taxed to defray all expenses of the education of its children. The common schools should be entirely free to all."<sup>13</sup> A year later Governor Durkee again said to the assembly: "A common school system cannot be, perhaps, at once entirely perfected, yet such steps as are practicable should be taken towards making the means of education free to all children within the Territory."<sup>14</sup>

Throughout territorial history the governors encouraged legislation that would provide increased school revenue, thus making education free. In 1890 the so-called free school law was passed. During the years immediately preceding that time the governors

<sup>10</sup>A. Cumming, "Governor's Message," *Journal of the Legislative Assembly of the Territory of Utah*, 1859.

<sup>11</sup>A. Cumming, "Governor's Message," *Journal of the Legislative Assembly of the Territory of Utah*, 1861.

<sup>12</sup>Steven S. Harding, "Governor's Message," *Journal of the Legislative Assembly of the Territory of Utah*, 1863.

<sup>13</sup>Charles Durkee, "Governor's Message," *Journal of the Legislative Assembly of the Territory of Utah*, 1866.

<sup>14</sup>Charles Durkee, "Governor's Message," *Journal of the Legislative Assembly of the Territory of Utah*, 1867.

were at work urging "free school" legislation. In 1888 Caleb W. West said:

One of the most important subjects to which you can direct your efforts, and that claims your action with weightiest reason, is the education of the youth of the Territory. . . . Our present taxation is insufficient to meet our school needs. The Territory can afford more and the tax should be increased. . . and to that end I commend the subject to your consideration.<sup>15</sup>

In 1890 the last message was given preceding the enactment of the free school law at which time Governor Arthur L. Thomas declared:

I can present no subject for your consideration of greater importance than the condition of the public schools throughout the Territory. It is the bounden duty of the Territory to give to every child the opportunity of receiving a free public education. This is denied by the existing laws. I earnestly recommend that you enact such legislation as will lay the foundation of a system of education that will progress until the highest standard is reached. You will serve your territory well by so doing.<sup>16</sup>

*Efforts of territorial school superintendents to secure increased revenue for operation of the schools.*—From an early date the territorial superintendents worked toward securing public revenue for the payment of the costs of education. Most of the school buildings were constructed by voluntary labor and were meagerly equipped. The school benches were designed and built by men of the settlement and hence there was no need for excessive expenditures for purposes of school operation. One of the major concerns of the chief school official of the territory was to obtain sufficient money to pay for teacher services. In writing his initial report to the Legislative Assembly on January 14, 1863, Superintendent Robert L. Campbell said:

Could I say anything in this report which would induce the members of the Assembly and other influential citizens, to use their influence among the people to pay school teachers liberally; also with sufficient of that kind of pay which would enable them to procure ample clothing for themselves and families, I realize the educational cause would be much benefitted thereby.<sup>17</sup>

It is obvious at that point in Utah's educational history that Campbell was not referring to public revenue in his request for increased compensation for teachers. Public opinion reflected through his own writings is expressed in his report for 1864-65

<sup>15</sup>Caleb W. West, "Governor's Message," *Journal of the Legislative Assembly of the Territory of Utah*, 1888.

<sup>16</sup>Arthur L. Thomas, "Governor's Message," *Journal of the Legislative Assembly of the Territory of Utah*, 1890.

<sup>17</sup>Robert L. Campbell, *Territorial School Report*, 1862-63.

wherein he raised the issue as to "whether it would be advisable to give school districts the liberty to assess a tax which would be ample to educate the youth of the district," and then in a negative expression declared: "The Superintendent, consulting public opinion, does not favor education by taxation, because, while the sentiments of the people are so favorable to education they are equally unfavorable to taxation."<sup>18</sup>

The lack of public revenue with which to operate the schools and tuition fees in lieu thereof, may further be noted in Campbell's report for 1865-66. Therein he says:

Tuition fees range from four to six dollars per quarter for teaching the common branches. . . . School-houses have been (with few exceptions) built by voluntary contribution. There being no school fund available, fees for tuition are paid by the parents or guardians of the pupils, except in a few districts, where, in conformity with the provisions of last year's school bill, a tax was assessed for that purpose.<sup>19</sup>

Campbell accepted the common practice of the public bearing the expense for educating the poor, and maintained that it was proper for the territorial treasurer and the local communities to pay these educational costs so that "the children of the poor may be educated gratuitously, and, when necessary, furnished with school books."<sup>20</sup>

Reporting to the assembly on January 18, 1867, the method in which the schools were operated, Campbell again said: "Tuition fees range from four to ten dollars per quarter per pupil for teaching the common English branches. School-houses have been generally built by voluntary contribution. But few districts, if any, have assessed a tax for the purpose of paying teachers."<sup>21</sup>

Many of the local trustees did not take advantage of the permissive law by which they could have obtained some school revenue. In Campbell's report dated February 19, 1868, he said:

Although the present school law permits trustees when authorized by a two-third's vote of the tax-payers in the district to assess and collect taxes for building school houses and also for the payment of qualified teachers, there are but few districts which operate in accordance with this provision; nearly all the school houses in the Territory have been built by the voluntary liberal donations of the citizens, and the teachers have almost invariably been dependent on the tuition fees obtained from their pupils.<sup>22</sup>

<sup>18</sup>Robert L. Campbell, *Territorial School Report*, 1864-65.

<sup>19</sup>Robert L. Campbell, *Territorial School Report*, 1865-66.

<sup>20</sup>*Ibid.*

<sup>21</sup>*Ibid.*

<sup>22</sup>Robert L. Campbell, *Territorial School Report*, 1867.

Gradually throughout the 1860 decade the issue of free versus fee schools received more and more attention. Some of the legislators favored progressive legislation and others did not. As indicated above, the governors over a prolonged period of time urged legislation that would tend to make schools free to all. In his report for 1868, Campbell described the status of the issue in the following words:

The subject of free schools has been recommended by the acting Governor and many influential citizens. In a few of the counties this desirable status in relation to schools might be attained by the assessment of a very high tax; but legislators from other counties represent that it would involve the assessment of such a heavy tax as but few of their constituents would be willing to pay.<sup>23</sup>

Beginning in the 1870 decade, Campbell became more aggressive in his efforts toward legislative action that would provide public revenue for educational purposes. Under date of January 31, 1872, he said:

It is respectfully submitted whether the Territorial tax should not be increased one fourth of one per cent, and that this amount be appropriated for the use of Common Schools, also that it be enacted that the tax collected by the counties from railroads, and the licenses by cities from banks inure to the school fund. And it is further submitted whether the school fund is not the more proper to receive all fines, forfeitures and escheats.

The lack of means meets Trustees on every hand whenever they commence operations in behalf of school interests. The legislature that shall open up channels by tapping the reservoirs of wealth and causing them to flow into the school fund will be the benefactors of the rising generation. . . .

The communications of County Superintendents favor the adoption of a system of free schools. The public sentiment is sufficiently ripe to justify favorable legislation looking to that end.<sup>24</sup>

*Attempts of diversified agencies to devise appropriate tax plans.*—Considerable confusion and uncertainty existed in the minds of the people, the legislative body, the trustees, and the territorial superintendent, as they struggled to devise ways and means by which the schools could most appropriately receive some financial assistance from public revenue. One legislative assembly would pass a law prescribing a given levy for a specified purpose and the following assembly would repeal it and enact another in its stead. The general poverty of the people as a whole—particularly in some portions of the territory—, the uncertainty of the educational leaders, and the lack of conversion of some of the school officials to education, added to the dilemma.

<sup>23</sup>Robert L. Campbell, *Territorial School Report*, 1868.

<sup>24</sup>Robert L. Campbell, *Territorial School Report*, 1871.



The coming of the railroad to Utah increased the general prosperity of the people and provided both direct and indirect revenue to the schools; for school taxes were levied on the railroads and by law this school money was to be accounted for as other revenue.<sup>25</sup>

Cities operating schools under charters granted to them by the Legislative Assembly were subjected to the city councils' control, although the laws governing them were made more liberal from time to time. The charters of 1851 were amended in 1853, 1855, and 1860. In 1872 these charters were again amended and the city council was authorized to "provide for [the] school fund by direct tax or otherwise" and to determine "how the same shall be collected and disbursed."<sup>26</sup>

*Appeals to the federal government for school aid.*—The United States Congress passed the Organic Act on September 9, 1850, which created the territory of Utah and supplanted the state of Deseret. This congressional act made provision under specified conditions for the federal government to appropriate certain sections of land for school purposes. A portion of the act follows:

An Act to Establish a Territorial Government for Utah.

Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled . . . . .

Sec. 15. . . . . That when the lands in said Territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into Market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.<sup>27</sup>

Members of the legislative body and other public officials including the territorial school superintendent and the university regents assumed that due to this congressional act considerable revenue would come to the schools. For years the assembly sent unsuccessful memorials to Congress requesting assistance. The school officials, therefore, complained incessantly about the indifference of the federal government toward giving aid to the schools. On March 3, 1852, the assembly prepared a "Memorial to Congress for an Appropriation for Support of Schools." Therein they called the attention of the national law-making body to the isolation of the residents of Utah from the remainder of

<sup>25</sup>Laws of the Territory of Utah, 1872, ch. 16, sec. 1.

<sup>26</sup>Laws of the Territory of Utah, 1872, ch. 8, sec. 3-4.

<sup>27</sup>Compiled Laws of Utah, 1888, Vol. I, pp. 83-84.

the nation and the possible privation of the children in educational contacts. Congress was asked for a sum of money "to be invested by your memorialists in some productive fund, the proceeds of which shall be forever applied by the Legislature of said Territory, to the use and support of schools."<sup>28</sup> On March 6 of that same year the Legislative Assembly prepared another memorial to Congress in which request was made "to provide for the survey of the public lands; and also to extend to this territory and its inhabitants, the same privileges and donations of land to settlers, and for educational purposes, as were extended to the people and Territory of Oregon."<sup>29</sup>

The Legislative Assembly, on January 17, 1854, again requested Congress "to appropriate the sum of five thousand dollars, to advance the interests of the University, established by law, in the City of Great Salt Lake. . . ."<sup>30</sup> From time to time the assembly of Utah continued to appeal, directly or indirectly, to Congress for some form of aid for education. On January 17, 1867, one such memorial was approved in which Congress was requested "to donate to this Territory the lands included in the recorded plots of the several Cities, Towns and Villages of this Territory, to aid in laying the foundation for a Common School Fund for the benefit of the Territory and future State."<sup>31</sup>

The territorial superintendent repeatedly urged congressional action that would provide increased school revenue. In his 1868 report he expressed a hope that Utah would soon become a state and that at that time the lands appropriated for school purposes would create a fund "from which free schools can be sustained."<sup>32</sup> On September 27, 1867, Campbell wrote the land office at Washington and urged increased interest in the school lands of Utah. Following a reply from the land commissioner in which it was reported that Congress could do nothing under the circumstances, Campbell wrote the Legislative Assembly, saying:

I would recommend that Congress be memorialized on this subject, setting forth the educational claims of Utah, and it is to be hoped that when such a reasonable and just memorial is presented, that the matter will be favorably entertained and the munificent grants extended for educational purposes freely accorded.<sup>33</sup>

<sup>28</sup>*Acts, Resolutions and Memorials Passed by the First Annual and Special Sessions of the Legislative Assembly of the Territory of Utah, 1852.*

<sup>29</sup>*Ibid.*

<sup>30</sup>*Acts, Resolutions and Memorials, Passed at the Third Annual Session of the Legislative Assembly of the Territory of Utah, 1854.*

<sup>31</sup>*Acts, Resolutions and Memorials Passed at the Sixteenth Annual Session of the Legislative Assembly of the Territory of Utah, 1867.*

<sup>32</sup>Robert L. Campbell, *Territorial School Report, 1868.*

<sup>33</sup>Robert L. Campbell, *Territorial School Report, 1869.*

In the reports for 1872-73 and 74-75 the territorial superintendent kept before the law-making body and the people the fact that the federal government had done nothing to aid education in Utah.

*Absence of mandatory statutes and fiscal dependence,—an educational handicap.*—One of the serious problems confronting those who administered the schools was the absence of a law that made it mandatory on the taxpayers to pay a specific rate of taxes. The laws controlling school taxes were frequently amended, which added to the confusion of the trustees. During most of Utah's territorial history the taxpayers were authorized to vote and determine the amount of the tax levy. An examination of available records indicates that the people customarily favored paying a very small tax. Another problem that did not clarify the situation was the fact that several agencies were concerned with the trustees in determining the amount of available school revenue. Among these were: the county assessors and collectors, the county court, the city council (in the case of cities), the ecclesiastical ward official, and the parents who paid tuition fees. An example of this confusion may be noted in the case of Logan during the 1870 decade. In 1872 an ordinance was passed "in relation to [the] Schools in Logan City." The trustees were to have control of and expend "all moneys placed in their hands." A letter that is part of the minutes of the board of education of Logan City Schools, written on October 2, 1876, to James A. Leishman, secretary of the school board, follows (with names deleted):

Please present the following complaint to the School Board of this City, as soon as convenient.

During the winter of 1874, 5, Mrs..... sent two pupils to my school in the 3rd Ward. After the expiration of the term, I waited upon Mrs..... and presented by bill, \$4.60. She said that the Teachers of her Ward had told her to send her children to school, and she would not have to pay their tuition, as she was a widow. I promised to present her case to the Bishop of the Ward, Robt. Davidson, then a member of the School Board. I stated the case to Bishop Davidson. He said there was no money in the treasury, and as Mrs..... had several sons, who were large enough to work, he thought that they could pay their sister's schooling. I gave ..... an Order to \$4.60, on Mr....., Son of Mrs....., requesting him to Cr. [credit] ....., on his Herd Bill, and cancel his school accounts. Mr. .... (the son of Mrs.....) refused to accept the Order. I talked with him again, this morning, and he still refuses to pay it. What shall I do under the circumstances?<sup>84</sup>

<sup>84</sup>Letter on file at the office of the Board of Education, Logan, Utah.



The task of collecting tuition fees at Logan may further be noted by an entry in the minute book of the board of education under date of March 26, 1878:

The Clerk [was] authorized to Send postal cards to each delinquent with the Statement that the bill[s] are required to be Settled immediately or the same be collected with costs.

It was determined that a notice be read in all the schools that none would be admitted hereafter to any ward school who had not paid their former tuition. . . . (orphans excepted).<sup>85</sup>

Comparable entries appear frequently, and on September 20, 1878, "It was determined to admit none to school that was in arrears for tuition except orphans."<sup>86</sup>

For several years during the 1870 decade the Logan Board of Education had considerable difficulty in securing permission from the taxpayers to vote an adequate levy from which revenue could be derived, for the voters repeatedly rejected the recommendation of the governing school board. In lieu of money, the board accepted farm and other produce. For example, on September 11, 1876, "the Trustees ordered that wheat be taken on delinquent school bills at 75c per bu. . . . and that the Bishops of the several wards be requested to give the same notice in the ward meeting, also. . . . a quantity of wood at \$5.00 per cord."<sup>87</sup> On December 9, 1877, "It was decided [by the Board]. . . . to collect the delinquent school bills & [the collector]. . . . was authorized to receive 10 cords of wood at \$5.00 per cord & good lumber at \$18.00 a thousand, Mds., grain, fruit, Lath & Shingles at \$4.50 per thousand."<sup>88</sup>

The city ordinance made it mandatory on the board of education of Logan to report all of their fiscal affairs to the city council. Likewise, many other reports were given to the city officials. The governing school board also went to the city for financial aid at times, as is shown by the city record of January 21, 1873, which states: "The School trustees Petition praying for an appropriation of three hundred dollars (\$300.00) to aid them in forwarding school interest was called up and on motion granted."<sup>89</sup> In the school report to the city council on February 4, 1873, the financial statement shows that some school revenue was received from regularly collected county taxes. In addition to these, the county courts gave financial aid to the schools. On November 13, 1877,

<sup>85</sup>*Minutes of the Logan City Board of Education, March 26, 1878, p. 45.*

<sup>86</sup>*Ibid., p. 47.*

<sup>87</sup>*Minutes of the Logan City Board of Education, Sept. 11, 1876, p. 22.*

<sup>88</sup>*Ibid., p. 43.*

<sup>89</sup>*Record of Logan City Council, p. 76.*



"the clerk [of the board of education] was authorized to petition the County Court for an appropriation for the relief of the school Trustees. . . . to the amount of \$200.00."<sup>40</sup>

The following sources of revenue are listed in the accounts of the Logan School District for the fiscal year ending November 3, 1873: assessment on property levied by the board of education, appropriation from the county, appropriation from the city, rent on school property including a dwelling house, sale of school property, rent on the high school building, rents from both the fourth and fifth ward school houses, and sale of some fruit trees owned by the school district.<sup>41</sup>

One of the difficulties of obtaining school finance for the early schools centered about the indifference of the trustees to comply with the duties of their office in conformity with the law. In the non-city districts there was little that could be done about this; therefore, the revenue was not collected. In the city districts, city officials occasionally sent the marshal for the trustees to give a report of revenue collections. Thus, on December 13, 1856, in Ogden, "the City Marshall made a verbal Report concerning the organization of School Trustees in the 1st Ward in Ogden City, Stating that they had not acted according to the Law governing Common Schools in Said City. Therefore it was moved Sec. & carried that the persons Elected in Said Ward Suspend all operations until they comply with the Requirements of the Law."<sup>42</sup> Shortly thereafter, the trustees were required to appear before the city council and "upon their Solemn Oaths say they will faithfully perform the duties of School trustees according to Law, according to the best of their knowledge and ability."<sup>43</sup>

The problem of controlling the school funds under divided responsibility was conspicuous in Salt Lake City. The ordinance was passed, in compliance with the charter granted by the Legislative Assembly, which provided for the trustees to levy a small tax and collect certain other revenue, but to make reports to the city council. Moreover, the city officials frequently passed additional ordinances affecting the trustees and the operation of the schools. Numerous instances occur in the minutes of the Salt Lake City Council during the years of 1853, 1854, and 1855, wherein such ordinances were enacted. During this time the school officials made frequent reports to city officers concerning the revenue re-

<sup>40</sup>*Minutes of the Board of Education of Logan City Schools, November 13, 1877, p. 41.*

<sup>41</sup>*Minutes of the Board of Education of Logan City Schools, 1873, p. 41.*

<sup>42</sup>*Records of Ogden City, Book A., p. 54.*

<sup>43</sup>*Ibid.*, p. 56.

ceived and expended; but evidence exists that the trustees resented this requirement, believing that they (the trustees) were to operate the schools without external interferences. To assure themselves of their power of control of the schools, the city officials on different occasions passed ordinances describing their own school authority. After considerable confusion and disagreement, the council declared on April 19, 1853, "We control all the schools within the City."<sup>44</sup> Under the city charters the trustees were not fiscally independent from other public agencies; and particularly, they were subjected to the city council. Trustee reports to the city officials were customarily brief. The nature of the report and the action taken by the city council may be noted in the following:

A report of Trustees of 14th School District was presented [February 22, 1856] showing that a Tax of  $1\frac{1}{2}$  per cent had been assessed amounting to \$2,819.59. That \$1866.23 had been expended in putting up  $\frac{2}{3}$  of the basement of the New School and also repairing the wings already occupied as School Rooms. The Report set forth that 1 District School of 30 Scholars and 3 Private Schools were in successful operation in said district. The Report was accepted.<sup>45</sup>

On March 21, 1856, the city recorder wrote: "The Tenth School District reported that they had a commodious School Room erected, not quite finished inside, at cost of \$2000. That 32 Scholars had attended during the past winter."<sup>46</sup>

The record of October 3, 1856, states:

The Trustees of the 14th School District reported that Isiah M. Coombs had taught a School numbering between 30 and 40 Scholars. That the School was now being taught numbering 25 Scholars by Mrs. Sarah Woodruff. That the District had been assessed and a tax of  $1\frac{1}{2}$  per cent levied and collected, which was being expended in hauling Adobies, and procuring materials, for the erection of a new School House.<sup>47</sup>

One more statement, among others, dated February 19, 1858, follows:

The Trustees of the Eighth School District presented their quarterly Report which represented that 58 Scholars had been taught the past quarter, who under the tuition of Joseph Foreman, have made considerable proficiency. A Tax of \$376.66c had been levied and applied last year in repairing the School House and fencing. The Report was accepted.<sup>48</sup>

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<sup>44</sup>*Journal of the City Council of Great Salt Lake City*, p. 74.

<sup>45</sup>*Journal of the City Council of Great Salt Lake City*, Book A., p. 29.

<sup>46</sup>*Ibid.*, p. 31.

<sup>47</sup>*Ibid.*, pp. 45-46.

<sup>48</sup>*Ibid.*, p. 81.

## PROGRESSIVE SCHOOL REVENUE STATUTES

*Territorial aid to education.*—After approximately a quarter of a century in attempting to establish and maintain schools with extremely limited local revenue, the Legislative Assembly in 1874 passed an act that initiated a trend that has prevailed from that time to the present in attempting to make education free. Fifteen thousand dollars was appropriated “yearly for the next two years” from the territorial treasury’s general fund to the common schools of the territory. The law prescribed the ways and means by which the funds were to be made available to the local school authorities. Particularly is this law modern: first, it initiated territorial aid to local operation of the schools; and second, it required the local trustees to maintain “a good school at least three months in each year,” and stated that “a failure to do so shall disqualify them from drawing their share of the public moneys.”<sup>49</sup>

Although at first the amount of money appropriated was but a small sum, it set a precedent that established minimum educational standards and hence made demands of the local trustees to maintain better schools. Its advantages are noted by the territorial superintendent in the following comment:

The act of 1874 appropriating \$15,000 yearly, for the two years just past, to the common schools, has accomplished much good. Though but a small amount, yet it proved to be a spark, from which a flame of interest has been kindled, that has never before been felt in the Territory.<sup>50</sup>

In 1876 the assembly amended and enlarged the school law. It defined public schools that were eligible to territorial funds as “All schools organized under the direction of the trustees in the respective school districts of this Territory,” and said these “shall be known in law, by the name and title of district schools, and shall be entitled to a just and equitable apportionment of any public school fund, arising from the general government or by legislative enactment of the Territory.” It appropriated \$25,000 annually to public education, \$20,000 of which “moneys shall be used by the trustees in paying school teachers, according to the average daily attendance of pupils.” Five thousand dollars was appropriated to the university, on condition that forty pupils attend that institution in the normal department.<sup>51</sup>

In 1878 the assembly amended the school revenue law so that

<sup>49</sup>*Laws of the Territory of Utah, 1874, sec. 4 of “An Act Appropriating Money for School Purposes.”*

<sup>50</sup>O. H. Riggs, *Territorial School Report, 1874-75.*

<sup>51</sup>*Laws of the Territory of Utah, 1876, sec. 20 of “An Act Providing for the Establishment and Support of District Schools, and for other Purposes.”*

"beginning with the year 1878, an ad valorem tax [was levied] on all the taxable property in the Territory of Utah, as follows. . . . three mills on the dollar for the benefit of district schools. . . .<sup>7752</sup> The advantages of the 1878 law were described by Territorial Superintendent John Taylor in his report to the assembly:

The aid which you generously rendered in the last legislative session was an appropriation very much needed and highly appreciated by all who feel interested in the progress and intelligence of our rising generation. It is true there is not a sufficient amount to meet all the requirements of our schools, but the tax of three mills on the dollar has proved a very salutary acquisition to the school fund, and has assisted very materially in advancing the educational interests of our Territory.<sup>53</sup>

The amount of money appropriated was not essentially changed, but in 1880 the assembly made the law of 1878 more specific, and stated that the revenue received under the act "shall be made by the Territorial Superintendent. . . . based upon the annual reports of County Superintendents. . . . according to the number of all children in the districts between the ages of six and eighteen years. . . ."<sup>54</sup> More than \$62,000 of territorial funds was allotted to the several school districts during the school year ending June 30, 1880.

In 1890 the so-called free school act was passed. The legislative action was made because of numerous requests of educational leaders in the territory. In 1887 the chief territorial school official, P. L. Williams, forcefully criticized the Legislative Assembly for its failure to establish a plan of financing education that would make the schools free to all people.<sup>55</sup>

The subject of free schools was widely discussed in many of the settlements of Utah in the years preceding 1890. One report is made of the taxpayers of School District No. 11 in Salt Lake City, meeting to vote the rate of taxation in order "to liquidate the indebtedness of the new school building and to establish a free school." The report further stated: "The subject of having a free school in the district was freely discussed, and a motion of the following effect was carried unanimously, 'that we are in favor of having a free school, as soon as we get out of debt.'"<sup>56</sup> It was out of these discussions on the need for free schools that publicly financed education emerged. While the 1890 law did not in reality make the schools free, as they are free today, it increased the school

<sup>52</sup>*Laws of the Territory of Utah*, 1878, ch. 8, sec. 1.

<sup>53</sup>John Taylor, *Territorial School Report*, 1878-79.

<sup>54</sup>*Laws of the Territory of Utah*, 1880, ch. 19, sec. 21.

<sup>55</sup>P. L. Williams, *Territorial School Report*, 1886-87.

<sup>56</sup>*Deseret News*, December 17, 1889.



revenue and thereby tended to limit the cost to the individual child and his parents. The teachers, particularly, were grateful for this law. The Utah County Teachers' Association assembled June 13, 1891, and went on record as saying: "At this the close of our first year under the present system of Free Schools, the report showed that the system had worked wonders, particularly in attendance."<sup>57</sup> As indicated above, however, schools did not in reality become free. An examination of the board of education records of Provo City in Utah County following the enactment of the 1890 law, indicates that frequently the board paid the school bills of indigent children. On November 22, 1892, the board minutes of Provo state that "the buying of books for indigent pupils was referred to the committee on furniture and supplies with authority to act."<sup>58</sup> As late as 1895 the names of pupils who were "furnished with a second reader by the district,"<sup>59</sup> were published in Provo. Frequently in the minute book of the Provo Board, entries such as the following appear toward the end of the century: on January 14, 1896, \$2.40 was appropriated by the board for "the purchase of text-books for children of indigent parents."<sup>60</sup> Again on November 23, 1897, "We your committee on teachers and schoolwork, to whom was referred the matter of school books for poor and indigent children, beg leave to report. . . . that we have bought the required books as directed."<sup>61</sup>

The increase of major items of revenue over a period of time preceding and following 1890, may be noted from Table I. Specific trends appear in the amounts of revenue over the seven-year period. The district school tax increased approximately five hundred per cent. While the trend is not one of constant increase under the item "territorial tax," it is distinctly upward. Likewise, the revenue from county sources made a definite increase. At this time (1890) the cities were consolidated and boards of education were created and granted broad powers in the administration of the schools. It was their duty to provide money for operation and maintenance purposes. The total amount of revenue over the seven-year period increased about one million dollars. A large portion of the school money that was available during the last three years of that period came from the sale of bonds. This money was used for school-house construction which was urgently needed.

*The development of the county school tax.*—The small district

<sup>57</sup>Record of Utah County Teachers' Association. On file at the Office of the Board of Education, Provo, Utah.

<sup>58</sup>Minutes of the Provo City Board of Education, November 22, 1892.

<sup>59</sup>Minutes of the Provo City Board of Education, February 26, 1895.

<sup>60</sup>Minutes of the Provo City Board of Education, January 14, 1896.

<sup>61</sup>Minutes of the Provo City Board of Education, November 23, 1897.

TABLE I  
PRINCIPAL SOURCES OF SCHOOL REVENUE PRECEDING AND  
FOLLOWING THE FREE SCHOOL ACT OF 1890\*

Fiscal Year Ending	District Tax	Territorial Tax	Common School Tax	Tuition Fees	Donations	Rents	Totals	Bonds Sold
1888	56,265.97	104,189.35	7,970.37	60,894.86	3,903.81	4,447.36	293,080.09	
1889	114,500.30	129,346.15	2,181.04	55,719.67	3,023.09	11,857.11	369,434.22	
1890	123,774.08	135,476.06	5,633.40	48,189.59	4,302.19	28,017.22	429,811.71	
1891	244,309.92	269,436.34	50,312.77	45,131.27			667,528.43	
1892	214,256.61	351,238.55	149,227.33	31,876.78			1,510,433.26	658,656.43
1893	296,848.02	48,576.42	139,296.09	64,549.00			1,565,146.29	277,803.58
1894	283,566.41	302,995.90	174,900.49	33,333.74			1,291,131.61	314,661.10

\*Data are gathered from the Territorial School Reports for the years listed.

that characterized the pattern of school organization of Utah for approximately half a century retarded adequate financing of education. In 1878 a revenue bill was passed that provided for the levying of a tax of "such sum as the County Courts of the Several Counties may designate for County purposes, not to exceed six mills on the dollar."<sup>62</sup> This act does not specifically state the purposes for which this county revenue should be used, but evidence indicates that the courts at once were urged to apportion some of the amount to pay the school costs, and the records show that this county money was paid for educational purposes. In 1880 another law was passed stating, "The county and district apportionment of moneys accruing for the benefit of district schools. . . . shall be made. . . . according to the number of all the children in the districts between the ages of six and eighteen years."<sup>63</sup> In 1882 the law prescribing the content of the report to the territorial superintendent was amended so that the form contained a specific place for the trustees to report the "Receipts. . . . from County School Fund."<sup>64</sup>

In 1886 another law was written adding to the significance of the county as a unit of taxation and to the importance of officials within the county and the county court. The county assessors and collectors were given the task of assessing all school taxes whether district, county, or territorial. The "county clerk [was required to] . . . compute the District School taxes of the several districts of the county in which school taxes have been levied" and "the County Court shall sit as a Board of Equalization of district school taxes. . . ."<sup>65</sup> The tremendous importance of the county school tax after the enactment of the above laws is shown by the rapid increase of revenue from the county source. In 1889 the total county school fund for the territory amounted to \$2,181.04. By 1891 this amount had increased to slightly more than \$50,000, and by 1894 it was almost \$175,000.

Consolidation of schools, which established the present pattern of organization, began with the cities in 1890. By 1905 some of the major counties were consolidated, and by 1915 all were consolidated, thus making the county—or a large portion of the county, exclusive of the cities of the first and second class—the unit of organization. When school districts became co-terminous with the county, school finance took a step forward.

*Alterations in the local district tax.*—The local school district

<sup>62</sup>Laws of the Territory of Utah, 1878, ch. 8, sec. 1.

<sup>63</sup>Laws of the Territory of Utah, 1880, ch. 19, sec. 21.

<sup>64</sup>Laws of the Territory of Utah, 1882, ch. 47, sec. 1.

<sup>65</sup>Laws of the Territory of Utah, 1886, ch. 9, sec. 8.

tax served as the principal source of public revenue during most of Utah's territorial history. This was an inadequate tax and was used mainly for minor building repairs. In its earlier stages revenues from this source was not available for the payment of teaching services. As indicated in the earlier laws, its principal purpose may have been to build schoolhouses; but in reality these structures, usually serving for both church and school, were erected by voluntary labor. The statutes controlling this source of revenue were, as a rule, permissive and not mandatory on the part of the school trustees. The tax revenue laws were repeatedly amended and frequently curtailed the right of the school authorities by requiring the vote of the people and likewise limiting the amount or rate of tax. The 1852 law was general, merely giving the trustees the "power to assess and collect a Tax upon all taxable property in said district, for the purpose of building and keeping in repair suitable school houses."<sup>66</sup> As early as 1854 this law was amended to provide for a tax to be assessed and collected by the trustees "at such rate per cent as may be decided upon by vote of the district meeting."<sup>67</sup> This democratic procedure of having the people determine the rate of taxation became the custom for many years, and did not always contribute to the welfare of the schools. Significant progress was made by the lawmaking body when in 1865 it amended the statute controlling the local revenue in such a way that tax money could be used for the payment of "school teachers and to provide suitable books." This, however, was dependent upon a "two-thirds vote of the taxpayers of the district" and was limited "not to exceed two per cent."<sup>68</sup> The amount of tax that could be assessed by the trustees, as in the earlier laws, was to be "at such rates per cent, as may be decided upon by a vote of . . . the residents of said school district."<sup>69</sup> One may assume that opposition existed to the procedure of taxing, or that the assembly saw possible dangers in abusing their right as trustees, for in 1868 the law was amended and in the newer statute great detail was given to control the manner in which the people should be notified and the tax rate determined. The "tax levied [was determined]. . . . viva voce or by ballot, as the meeting may determine."<sup>70</sup>

The existing law was amended in 1876. The trustees were to "provide suitable school houses and keep the same in repair, em-

<sup>66</sup>*Laws of the Territory of Utah*, 1852, sec. 4 of "An Act in Relation to Common Schools."

<sup>67</sup>*Laws of the Territory of Utah*, 1854, ch. 94, sec. 3.

<sup>68</sup>*Laws of the Territory of Utah*, 1865, sec. 12 of "An Act Consolidating and Amending the School Laws."

<sup>69</sup>*Ibid.*, sec. 2.

<sup>70</sup>*Laws of the Territory of Utah*, 1868, ch. 22, sec. 4.



ploy teachers, and furnish fuel, maps, charts, and other suitable articles for school purposes, and may at their option collect tuition fees." In order to do this the school directors were empowered to assess and collect "a tax of one-fourth of one per cent on all taxable property within their district for school purposes." Providing more revenue was needed than that produced from this levy, it was then necessary for the officials to estimate an additional amount required. "The rate per cent may be increased to any sum not exceeding three per cent per annum, as shall be decided by a two-thirds majority vote of the qualified voters resident in the district, present at a meeting called for that purpose."<sup>71</sup>

In 1880 the law was again amended and enlarged. The general administrative powers of the trustees were extended and enumerated. They retained the right of decision of tuition fees and inferentially that was the principal source of revenue for payment of teachers. When it became necessary to build or equip a school building the trustees were required to estimate the amount of revenue needed, placing the rate at any point they might elect, "not exceeding two per cent per annum." The actual rate was to be "decided by a two-thirds majority vote of the property taxpayers resident in the district, present at a meeting called for that purpose."<sup>72</sup> All local school taxes "whether levied by trustees or by a special meeting called for that purpose," were assessed and collected by the county officials in the same manner as other county and territorial taxes.<sup>73</sup>

The 1890 school law, "An Act to provide for a uniform system of free schools throughout Utah Territory," made new educational history. It increased the duties of the trustees, preparatory to making the schools essentially free. For the non-city districts it retained the mandate of securing the vote of the people for authorization of special taxes, or for sale of property belonging to the school district. This law stipulated that schools should be operated for a minimum of twenty weeks a year in order to be eligible to participate in territorial funds. It strengthened the office of the county superintendent in the fiscal affairs of the districts. Its most important contribution, however, was that it provided for consolidation of districts within the cities of the first and second class and gave the board of education additional powers in administering the schools and handling the increased school revenue. Among other

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<sup>71</sup>Laws of the Territory of Utah, 1876, secs. 3 and 4 of "An Act Providing for the Establishment and Support of District Schools, and for other Purposes."

<sup>72</sup>Laws of the Territory of Utah, 1880, ch. 19, secs. 3-4.

<sup>73</sup>Laws of the Territory of Utah, 1886, ch. 9, sec. 1.

things the city board could do that would of necessity require more money were the following:

... construct and erect school buildings and furnish the same; establish, locate and maintain primary schools, industrial or manual training schools, high schools, establish and support district libraries, purchase, exchange, repair and improve the school apparatus, books, furniture, fixtures and all other school supplies in said schools; supply and loan to pupils in the several grades and departments of said schools, free of charge, all text books, and supplies used by pupils of said schools. . . . do all things needful for the maintenance, prosperity and success of said schools, and the promotion of education.<sup>74</sup>

In order to pay for these school costs the city board, in addition to receiving territorial and county funds, was required by law to:

... prepare an estimate and levy taxes necessary and requisite for the support and maintenance of the district schools under its charge. . . . also the amount necessary to pay the interest accruing during such year on bonds. . . . and the amount of sinking fund necessary. . . . provided. . . . that the tax. . . . shall not exceed in any one year two mills on the dollar.<sup>75</sup>

This two-mill maximum tax levy for the city districts was effective until 1894, at which time the Legislative Assembly amended the law to permit these boards of education to place a four-mill levy.<sup>76</sup> That such a levy could not produce a large amount of revenue is obvious when it is understood that the assessed valuation of Salt Lake County in 1896 was only \$6,145,580.<sup>77</sup>

### SCHOOL REVENUE DURING STATE HISTORY

*Early state school revenue laws.*—The basic principle in developing free education in the state was referred to in the constitutional convention. One member of this gathering said:

We believe in the duty of the state to fit and qualify the child for the citizenship in this state. We believe that every child in this state regardless of his financial condition should have equal privileges with others. That there should not be a provision to establish an aristocracy, and a distinction between the child of the rich man and the child of a poor man, but that the child of a poor man, if he has the desire and ability, can rise above the condition of the common schools, and go on through the high school and university, and that it is not only the duty, but it is the high prerogative of the state to fit and

<sup>74</sup>*Laws of the Territory of Utah*, 1890, ch. 72, sec. 117.

<sup>75</sup>*Ibid.*

<sup>76</sup>*Laws of Utah*, 1894, sec. 129 of "An Act to Amend Chapter 80 of the Session Laws of 1892."

<sup>77</sup>Oscar Van Cott, *Second Special Report of the Superintendent of District Schools, Salt Lake County, Utah*, June 30, 1898.

qualify the students for the high position in the state, and that no child should be left in a position that he can not comply with the demands of the state.<sup>78</sup>

In 1896 the state legislature convened and rewrote the school law. At that time the district school trustees were permitted to "order to be raised on the taxable property of the district, one-fourth of one per cent for the purpose of schools and to defray current expenses." In addition to this the trustees could, by the authorizing vote of the people, place a levy of not to exceed two per cent for the purpose of buying a school site or erecting a school building. The county school fund law was given additional strength:

The county superintendent shall. . . . furnish the board of county commissioners an estimate in writing of the amount of school funds needed for the ensuing year. . . . The board of county commissioners of the county, at the time of making the annual levy of other county taxes, must levy a county school tax. . . . Provided, that said tax shall not exceed two mills on the taxable property of the county.<sup>79</sup>

The rate of the county school levy changed from time to time, generally increasing. In 1901 it was restricted to 4 mills.<sup>80</sup> In 1897 the law was amended to allow the trustees to levy a tax of "one-half of one per cent for the support of schools and to defray current expenses."<sup>81</sup> As in the earlier law, the trustees with the permissive vote of the people were authorized to increase the levy to a "sum not to exceed two per cent of all taxable property in the district." No change was made by this law in the county school levy. The territorial school tax also remained essentially the same, but the city school districts began at once to make progress toward increasing their revenue. The 1890 act, which provided for consolidation, limited the boards of education to a maximum of two mills for general operation and maintenance of the schools. In 1896 this was increased to four mills and in 1897 to five and one-half mills.<sup>82</sup> Likewise in 1897 a new law was passed making it possible for the trustees or board of education to obtain additional funds under specified conditions. The statute states that if "it [is] necessary to create and incur additional indebtedness in order to maintain and support the schools of any school district," then the trustees or board may cause the issue "to be submitted to a vote of the. . . . qualified electors as shall have paid a property tax. . . . in the year

<sup>78</sup>*Proceedings of the Constitutional Convention for the State of Utah, 1895, Vol. 1.*

<sup>79</sup>*Laws of Utah, 1896, ch. 130, secs. 50, 93-96.*

<sup>80</sup>*Laws of Utah, 1901, ch. 50, sec. 1.*

<sup>81</sup>*Laws of Utah, 1897, ch. 6, sec. 1.*

<sup>82</sup>*Ibid., ch. 13, sec. 45.*

preceding." The governing school body was required to submit "the amount of indebtedness which the board proposes to incur or create and for what purpose."<sup>83</sup>

In 1901 the existing school law controlling the revenue for city schools was amended so that it became possible for the boards to levy whatever they might choose in an amount up to five and one-half mills for operation and maintenance purposes, to levy not to exceed one and one-half mills for the purpose of purchasing school sites and erecting school buildings, and in that year cities of the first class were given the right to place the levy up to a maximum of seven mills for operating the schools.<sup>84</sup>

*Progressive laws following 1900.*—The free school law of 1890 (and its amendments) was altered in 1903 in such a manner that free schools became much more a reality than formerly. The school boards were given the mandate to "supply and loan to pupils in the several grades and departments of said schools, free of charge, except high schools, all school text books and supplies used by the pupils of said schools."<sup>85</sup>

Since statehood the state school officials have gradually increased the amount of state revenue to the local districts by establishing minimum standards of various kinds. In 1905 a statute was enacted stating that in those districts where the board of county commissioners had placed the maximum of four mills for a school levy and the district trustees had placed the maximum levy of five mills and there was not yet enough money to pay teachers a salary of \$300 and "to employ a teacher for a period of at least twenty-eight weeks," then the county superintendent was required to report the same to the state superintendent, who in turn was authorized to add state money to make up the difference.<sup>86</sup> In 1909,<sup>87</sup> and again in 1911, this law was amended, placing the minimum teacher salary to \$450 per teacher for twenty-eight weeks.<sup>88</sup> In 1915 another amendment required a minimum of \$525 for twenty-eight weeks, and provided state assistance if there was a district shortage of funds. To pay this an appropriation of \$15,000 was made for the biennium.<sup>89</sup> In 1917 the minimum salary was placed at \$600 for elementary school teachers for services of at least thirty-

<sup>83</sup>*Ibid.*, ch. 12, sec. 11.

<sup>84</sup>*Laws of Utah*, 1901, ch. 127, sec. 1.

<sup>85</sup>*Laws of Utah*, 1903, ch. 60, sec. 1.

<sup>86</sup>*Laws of Utah*, 1905, ch. 121, "Revenue for Common School Districts."

<sup>87</sup>*Laws of Utah*, 1909, ch. 8, sec. 1—1870X Amended.

<sup>88</sup>*Laws of Utah*, 1911, ch. 5, sec. 1 amended.

<sup>89</sup>*Laws of Utah*, 1915, ch. 8, sec. 1 amended.



two weeks, and up to \$20,000 of state funds was appropriated to pay the district deficit.<sup>80</sup>

The importance of the school law enacted in 1905 needs emphasis because it made provision for county school districts of the first class, and created a larger area for tax purposes. These districts were to have a population of at least 3000, and would be one consolidated unit formed out of the formerly existing small administrative units. Herein was the real initiation of county consolidation in Utah. This statute placed these county school organizations on a basis similar to city school districts of the second class. The law gave the county district board of education the right to levy a tax on all property of five and one-half mills for the purpose of operating the school for the year. In addition, a one and one-half mill levy could be placed by the board for the purpose of purchasing school sites or erecting school buildings. For this latter purpose the board could "submit to the voters of the district the question of levying a special tax not to exceed two per cent of all taxable property in the district, for one or more years."<sup>81</sup>

*The High School Fund.*—A rapid growth of high schools began in Utah during the years following the turn of the century. The problem of financing these institutions was universal throughout the state. When first given the opportunity to amend the constitution to provide for a legislative appropriation or revenue-producing tax for operation of schools beyond the elementary level, the people were reluctant to pay more tax and expressed themselves negatively by their votes at election. Success in this endeavor required intensive effort on the part of many public-spirited citizens. The attitude of disappointment on the one hand and determination to succeed on the other of these community and state leaders may be noted in the message of Governor Spry to the legislature in 1909:

I regret exceedingly that the proposed constitutional amendment providing for State aid for high schools failed of passage in the recent election; however, the outlook for the future is bright and promising; for with the splendid increase in the number of high schools during the past two years, the necessity becomes more apparent that the fostering care of the State should be extended. While the elementary schools are of first importance, and should have the first claim for support, yet, according to the Bulletin of Education, 'in practically all the States in which notable progress has been made, some form of special State aid for high schools has been established.'

I therefore recommend that the Legislature make provision for submission

<sup>80</sup>Laws of Utah, 1917, ch. 77, sec. 2.

<sup>81</sup>Laws of Utah, 1905, ch. 107, sec. 30.

at the next general election of an amendment to the Constitution providing for the extension of State aid to high schools.<sup>92</sup>

In 1909 the legislature prepared a resolution submitting to the people the proposition of amending the state constitution and thereby creating a high-school fund. In part, the resolution states:

That it is proposed to amend section 7 Article XIII, of the constitution of Utah so that the same will read as follows: 'The rate of taxation on property . . . shall never . . . exceed one-half mill\* on each dollar of valuation for High school purposes; that part of the State tax apportioned to high school purposes shall constitute a fund to be called the 'high school fund' and shall be apportioned to the cities and school districts maintaining high schools in the manner the Legislature may provide.'<sup>93</sup>

Following the approval of the amendment by the voters of the state, the legislature in 1911 passed the law that created the High School Fund. At that time this was a levy assessed annually as "a State tax of one-half mill on each dollar of valuation of the taxable property in the State, for high school purposes."<sup>94</sup> This constitutional amendment "gave to secondary education a remarkable impetus throughout the state," declared State Superintendent Nelson in his report ending in 1912.<sup>95</sup>

In 1915 the legislature amended the revenue law and authorized the state board of equalization "to levy annually, a State tax of not more than two-tenths of one mill on each dollar of valuation of taxable property in the State, for high school purposes."<sup>96</sup> Likewise, in 1915 the legislature gave local boards of education the right to levy a high-school tax in order to initiate high schools. After the authorization of the people by vote for the establishment of a high school, the local board was "authorized to levy a tax on all taxable property in the district for the support [of the high school] in any amount not exceeding two mills on the dollar."<sup>97</sup> The High School Fund increased rapidly until 1916, when it dropped, and since that time it has varied somewhat in amount. This variation is apparent when considered in relation to the number of high-school pupils in school. In 1915-16 the High School Fund amounted to \$100,998, which was \$9.93 per capita of high-school pupils; in 1933-34 this amount dropped to \$85,095, or \$2.05 per capita; in

<sup>92</sup>William Spry, *Governor's Message to the Legislature*, January 12, 1909.

\*By constitutional amendment a decade later this amount was limited to two-tenths of one mill.

<sup>93</sup>*Laws of Utah*, 1909, Senate Joint Resolution No. 2.

<sup>94</sup>*Laws of Utah*, 1911, ch. 29, sec. 1.

<sup>95</sup>A. C. Nelson, *Ninth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1912*, p. 24.

<sup>96</sup>*Laws of Utah*, 1915, ch. 111, secs. 2-11.

<sup>97</sup>*Ibid.*

1922-23 it was \$81,973, which was the smallest amount since the law was passed. The largest amount during the earlier years was in 1923-24, when it was \$166,004. This fund has in a single year been over 200 per cent more than it was during another year. In the 1930 decade the assessed valuation of the state and the per cent of tax assessment collections decreased, thereby limiting the amount of revenue from this source. During this same period of time, however, the number of high-school students increased over the earlier years when the High School Fund first became a source of revenue.

#### THE DEVELOPMENT OF STATE TAXES FOLLOWING COUNTY CONSOLIDATION OF SCHOOL DISTRICTS

*The revenue law of 1915: an antecedent to state revenue.*—In 1915 consolidation of the small school district became mandatory. At that time the essential characteristics of the present plan of organization for purposes of administering the schools were created. The boards of education in county school districts of the first class were required to prepare an estimate of school revenue in order to secure funds with which to operate the schools. The valuation of the district determined the maximum levy that could be placed by the board. In a county district of the first class with an assessed valuation of \$10,000,000, the maximum levy was ten mills on the dollar.

. . . In any district whose assessed valuation is more than eight million dollars and less than ten million dollars, eleven mills on the dollar; in any district whose assessed valuation is more than five million dollars and less than eight million dollars, twelve and one-half mills on the dollar; and in any district whose assessed valuation is less than five million dollars, thirteen and one-half mills on the dollar.<sup>88</sup>

The same legislature in 1915 enacted a law giving cities of the first class "having an assessed valuation of twenty million dollars or more" the right to place a levy for any one year of not to exceed "three and one-half mills on the dollar. . . and cities of the second class, having an assessed valuation of less than twenty million dollars," the right to place a levy of "not to exceed in any one year three and seven-tenths mills on the dollar upon all taxable property of said city."<sup>89</sup> The assessed valuation per school child within the district continues to determine the maximum levy that may be made by the school boards for maintenance and operation.

<sup>88</sup>*Laws of Utah*, 1915, ch. 78, sec. 1891X 2.Id. amended.

<sup>89</sup>*Ibid.*, ch. 111, sec. 1.

The tendency to look for larger units of school support did not cease with the consolidation law of 1915. The state district school tax was two and two-tenths mills at that time. Wide divergence in per capita wealth exists in Utah, and a number of districts, regardless of county consolidation, have always had a difficult time to finance the schools with the limited amount of state revenue received. Hence, leaders in education began a campaign, urging more state support to education. In 1918 the state superintendent said:

It is well known that the children of Utah have not at the present time equal opportunity for an education. It is known, too, that in many cases it is necessary for the taxing authority of the district to levy twice as heavy a tax for school purposes as other districts, and even then they are not able to provide equal opportunity. There is but one way to correct this condition and that is for the state to provide sufficient money to pay all teachers' salaries and then we could hold all schools to the same standards as to length of school year, qualification of teachers, grade instruction, etc.<sup>100</sup>

Elsewhere within the same report the superintendent advocated increased state aid when he said:

There is little question in the minds of the best informed students of this problem but that there should be larger amounts distributed by the state to the several constituted districts. If, by suitable legislation, the amount now appropriated by the state could be doubled, it would be consistent with the best procedure. This should be done either by direct appropriation or such modification of our constitution as will make it possible to increase the present school fund.<sup>101</sup>

In 1919 the legislature passed Senate Joint Resolution No. 5 which provided for submitting another constitutional amendment to the people which has altered the formerly existing sources of school revenue. In part, this resolution stated:

The rate of taxation on property . . . shall never . . . exceed 3 mills on each dollar of valuation for district school purposes; not to exceed  $\frac{1}{2}$  mill on each dollar of valuation for high school purposes; . . . and whenever the taxable property within the State shall amount to \$400,000,000.00, the rates shall not exceed on each dollar of valuation. . . two-tenths of one mill for high school purposes, and such levy for district school purposes as will raise annually an amount which, added to any other State funds available for district school purposes, equals \$25.00 for each person of school age in the State shown by the last preceding school census; unless a proposition to increase such rate or rates, specifying the rate or rates proposed and the time during which the same shall be levied, be first submitted to a vote of such of the qualified electors of

<sup>100</sup>E. G. Gowans, *Twelfth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1918*, p. 10.

<sup>101</sup>*Ibid.*, pp. 126-7.



the State, as, in the year next preceding such election, shall have paid a property tax assessed to them within the State. . . .<sup>102</sup>

In 1921 the legislature passed the law in keeping with the vote of the people that created what has become commonly known as the \$25 school fund. The law states:

There is hereby directed to be raised for the support of district schools for each of the fiscal years 1921 and 1922, a sum which together with any other state funds available for district school purposes, will equal \$25.00 for each person of school age in the state as shown by the last preceding school census and for the purpose of raising the same there is hereby levied for each of said years an ad valorem tax of 4.5 mills on each dollar of valuation taxable property in the state, or such portion of said tax as the state board of equalization and assessment may find necessary to raise the sum above set forth for each said years.<sup>103</sup>

The same legislature required the state board of equalization to levy annually an amount which, when added to other state funds available for district school purposes, equaled \$25 for each person of school age.<sup>104</sup>

The influence of the \$25 fund may be noted in the trend of increasing the burden of school costs upon the state. In 1896-97 the total state fund was \$317,099. By 1916-17 this state fund was \$1,129,343, and in 1923-24—following the approval of the above amendment and statutory enactment—the state school funds were \$3,160,289. In spite of the fact that the constitution apparently makes the payment of the fund mandatory, the full amount has not been paid until recently. Two of the city school districts brought legal action against the state in an attempt to collect the full amount, but the supreme court ruled that the amount need not be paid if and when current funds were not available. Sources of revenue have been changed from time to time, and beginning in the latter part of the 1930 decade, the full amount of \$25 per school child has been paid to local school districts.

*The State Equalization Fund.*—The difference in ability of the several school districts to support education has not only always existed throughout Utah's educational history, but has tended to increase with the industrialization of the state in recent years. In 1938 Wayne County School District had an assessed valuation per census child of \$1,015.72, and Jordan, the richest school district in the state, had an assessed valuation per school child of \$11,268.-

<sup>102</sup>Senate Joint Resolution, No. 5, Approved March 18, 1919.

<sup>103</sup>Laws of Utah, 1921, ch. 137, sec. 2.

<sup>104</sup>*Ibid.*, ch. 138, sec. 1.

59. By 1944 San Juan County had an evaluation per child of \$1,230.00, and Jordan District was evaluated at \$19,197.04. Certain influences such as the war increase the range of difference in per capita wealth. This may be noted in the case of Jordan where the assessed valuation per census child increased \$3,440.86 during two of the war years. The significance of this amount may be noted by the fact that the assessed valuation per census child was less than \$3,000.00 in seventeen of the forty school districts in 1943. The erection of the Geneva Steel Plant in the Alpine District temporarily added more than \$20,000,000 to the assessed valuation of that district in 1944. Many educational leaders, as well as other citizens interested in a school program that is equitable for all children in the state, have voiced an objection to these inequalities of educational opportunity. In 1924 the state superintendent said:

I recommend that the Legislature provide for a small appropriation from the General State Fund to be used in the districts having the smallest funds for the support of their schools. The State Board of Education might be authorized to distribute these funds according to regulation to be prescribed by the Legislature.<sup>106</sup>

The survey commission of Utah's schools in 1926 called attention to the gross inequalities of ability to support an approved standard of education<sup>106</sup> and undoubtedly hastened subsequent legislation. In 1929 the legislature passed a resolution again proposing a constitutional amendment providing, in addition to the other state funds existing at that time, "an equalization fund which when added to other revenues provided for this purpose by the legislature shall be \$5.00 for each person of school age as shown by the last preceding school census." The law-making body further proposed that should the amendment to the constitution be approved by the voters, the "equalization fund shall be apportioned in the manner the legislature may provide to the school districts."<sup>107</sup> On the same day, House Joint Resolution No. 3 was approved, which also dealt with school funds. At a special session of the legislature in 1930, House Joint Resolution No. 10, which combined the essential features of the two formerly approved resolutions, was passed and submitted to the vote of the people. The amendment authorized the legislature to write the equalization law. And in 1931 the legislature passed an "act creating and de-

<sup>106</sup>C. N. Jensen, *Fifteenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1924*, p. 110.

<sup>106</sup>*Survey of Education in Utah*, Bulletin No. 18, U. S. Department of the Interior, Bureau of Education, 1926, p. 19.

<sup>107</sup>*House Joint Resolution, No. 8, Approved March 7, 1929.*

fining a uniform program of public school education in the state of Utah, creating a state equalization fund and providing for the apportionment of any revenue made available for an equalization fund."<sup>108</sup> The act provided new minimum educational requirements and gave the state board of education full power to administer the fund. The law provided that "Districts not approved by the State board of education. . . shall not participate in the equalization fund."<sup>109</sup>

The statute provides for the state tax commission to levy annually a state tax for equalization purposes that would raise an amount which equals "as near[ly] as may be \$1.00 for the school year 1932-33, \$2.00 for the school year of 1933-34, \$3.00 for the school year 1934-35, \$4.00 for the school year 1935-36, and \$5.00 for each school year thereafter" for each census-enumerated child of the preceding year.<sup>110</sup> The law includes the formula by which the revenue is distributed. It is weighted to give advantage to high-school students and for such items of cost as transportation of children. It likewise takes into consideration the number of one- and two-room schools in a district, and the ability of the district to support education. On the ascending scale as the law became operative there was appropriated \$444,866.00 in 1934-35; \$587,194.21 in 1935-36, and \$728,049.21 in 1936-37. Four of the forty school districts in the state did not participate in this equalization fund during the school years of 1936-37, and 1937-38. These four districts have the largest per capita wealth in the state. On the other hand, some of the districts have received over \$12.00 per year, or nearly two and one-half times the \$5.00 allocation. The biennial report terminating in 1944 shows five districts that did not receive financial aid from this source.<sup>111</sup>

*The Uniform School Fund.*—While the equalization fund law aided in eliminating extreme inequalities of educational opportunity in Utah, the tremendous difference in per capita wealth among the districts caused wide variation in possible tax revenue. For the year 1937-38, 38.26 per cent of the total school revenue was received from state source, and 55.04 per cent came from local taxes.<sup>112</sup> In 1937 the legislature passed House Joint Resolution Nos. 4 and 5, which again proposed to amend the state constitution deal-

<sup>108</sup>*Laws of Utah*, 1931, ch. 57.

<sup>109</sup>*Ibid.*, sec. 2.

<sup>110</sup>*Ibid.*, sec. 3.

<sup>111</sup>Charles H. Skidmore, *Twenty-Fifth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1944*, p. 202.

<sup>112</sup>Charles H. Skidmore, *Twenty-Second Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1938*, p. 93.



ing with the several school funds, and divert additional revenue to the schools by creating in resolution No. 5 what would "constitute a fund to be known as the Uniform School Fund, which Uniform School Fund shall be maintained and used for the support of the common and public schools of the state and apportioned in such manner as the Legislature shall provide."<sup>113</sup> The necessary majority of the voters of the state voted to amend the constitution and thereby gave to the legislature the responsibility of passing the Uniform School Fund law. This was done by the 1939 legislative body.<sup>114</sup> The state superintendent was given the responsibility of distributing the fund in the following manner:

Not more than five thousand dollars thereof shall be expended annually by the state board of education to defray expenses in investigating special or unequal conditions existing in the several school districts not cared for by all available funds, and devising plans to adjust them so that advantages as equal as possible may exist in all districts and all district boards of education shall render to the state board of education such aid as it may from time to time require.

Fifteen per cent of the amount remaining after deducting the said five thousand dollars annually shall be apportioned and distributed to such districts in such amounts and during such times in each year as the state board of education shall direct for the purpose of equalizing advantages and improving educational practices not cared for by all other available funds according to the plans adopted.

The remaining portion of said fund for school districts and the unused balances from the appropriations in the two preceding paragraphs mentioned shall be apportioned and distributed annually in such manner as will, when added to the revenues available from the state district school fund, the high school fund, the equalization fund, and a local levy of ten mills on the assessed valuation of tangible property in each school district for the current fiscal year, give each district eighty-six dollars per student in average daily attendance during the preceding school years. . . .<sup>115</sup>

*House Bill No. 28.*—School revenue created by both the equalization law and the uniform school fund law aided education during the depression decade of the 1930's, particularly the latter years. The rapid industrial development of the state and the nation following entrance into war in December, 1941, resulted in a quickly changed economy. Incomes from the war industries and plants erected for war purposes rose rapidly and enticed many teachers and other school employees to leave their teaching or school positions for employment elsewhere. By the time the legislature convened in the early part of the year 1943, it was obvious that the

<sup>113</sup>*House Joint Resolution, No. 5, 1937, Resolutions and Memorials, pp. 284-85.*

<sup>114</sup>*Laws of Utah, 1939, ch. 81.*

<sup>115</sup>*ibid.*, sec. 4.



schools were in a critical state in attempting to finance the rising costs of operation. The school officials and other interested citizens of the state prepared a bill for the legislature which was enacted in that year. The intent of this law is expressed in the first paragraph:

To overcome the gross inequalities in wages and salaries of school employees; to enable the boards of education in the state to pay their employees such salaries and wages as will reasonably enable them to retain their services and to equalize as near as may be the opportunities of the children throughout the state to acquire an education. . . . There is hereby appropriated [an amount stipulated within the act].<sup>116</sup>

The existing emergency was such that the law-making body appropriated \$658,000 to the Uniform School Fund for that year. Of this amount, \$483,000 was apportioned on a per capita basis of the number of full-time employees. In addition, \$2,632,000 was appropriated for the biennium from July 1, 1943 to June 30, 1945. Of this amount, \$350,000 was appropriated each year to be distributed under the equalization law formula and "\$966,000.00 shall each year of the biennium be apportioned and distributed on a per capita basis of the number of full time employees."<sup>117</sup> This law has commonly been referred to as House Bill No. 28. It was only a temporary measure and terminated at the end of the fiscal year of 1944-45.

The legislature in 1945 enacted some important school revenue legislation. The equalization fund and uniform school fund were combined and House Bill No. 28 was supplanted with an appropriation bill of \$2,311,000 on a basis of increased equality in the light of ability of the districts to pay the school cost.

The legal limitation of the school levy as placed by the board of education was extended by the law-making body in 1945 to 18 mills in cities and 14 mills in county districts.

The educational cost has varied considerably because of the existing economy as may be noted in Figure 2. During the depression (1933-34) the per capita cost based on average daily attendance was as low as \$69.34. This is the lowest this figure has been since 1917-18. By 1929-30, the year preceding the depression, the cost had risen to \$102.79, and following our entrance into war the average cost in 1943-44 was \$120.50 per pupil. The range in costs from 1917-18 to 1943-44 may be noted in Figure 3.

For nearly a century Utah has been attempting to finance her

<sup>116</sup>*Laws of Utah*, 1943, ch. 74, secs. 1-2.

<sup>117</sup>*Ibid.*, sec. 3.

FIGURE 2

TOTAL EXPENDITURES FOR ELEMENTARY AND HIGH SCHOOLS  
IN UTAH BY YEARS 1918 TO 1944 INCLUSIVE

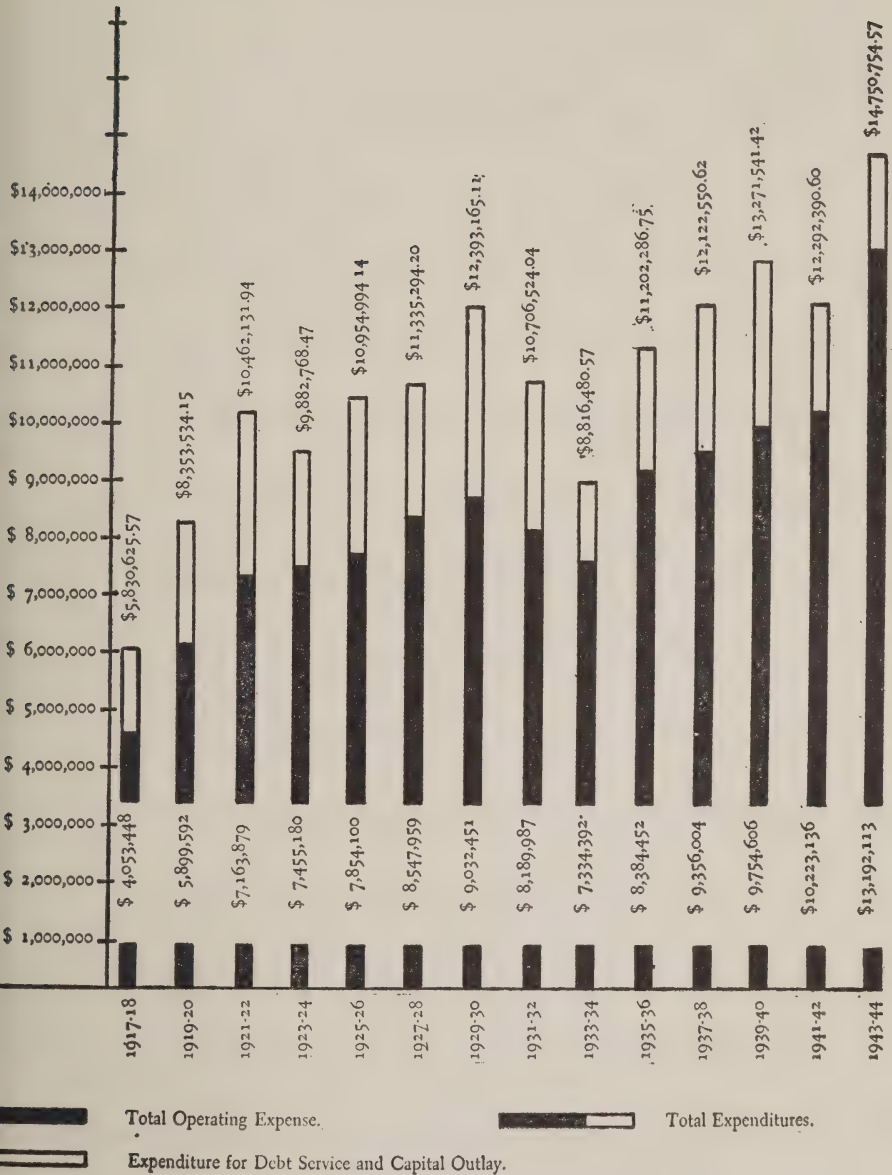
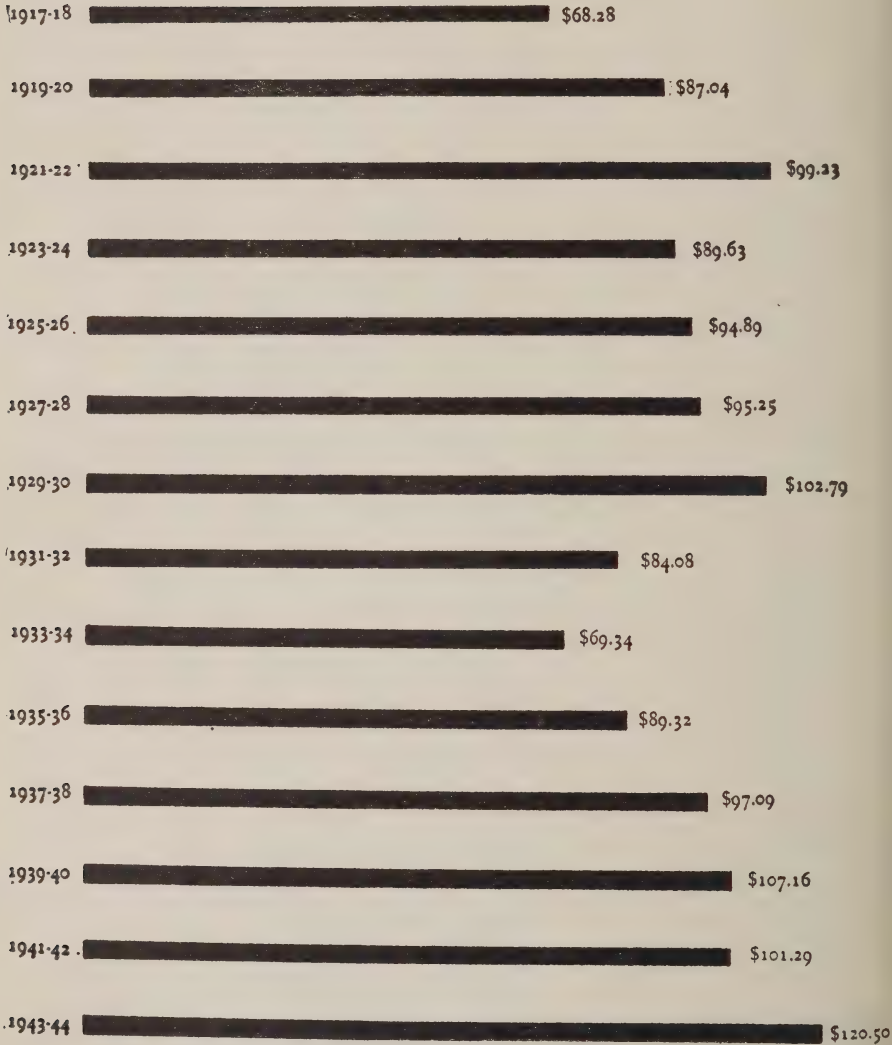


FIGURE 3

PER CAPITA COST BASED ON AVERAGE DAILY ATTENDANCE  
OF SCHOOLS OF UTAH BY YEARS 1918 TO 1944 INCLUSIVE



school program. It began in a meager way in 1852 by granting to local trustees the right of taxation on a small scale to prepare a structure as a school building. It has been a constant struggle to provide statutes that would produce revenue from those areas of the state where the wealth exists and spend it in less well-to-do districts; and likewise, to have larger units of taxation assume the burden of school cost. Many have urged that the state become one unit for school taxation purposes. The trend definitely is in the direction of the state assuming a greater portion of the total burden. Regardless of future legislation, sources of local district revenue will probably remain for an indefinite period of time, in order that local autonomy may be retained.



## CHAPTER X

### HIGHER EDUCATION

#### SOCIAL ORGANIZATION THAT LED TO INITIATING THE UNIVERSITY OF DESERET

*Attitude of the founders toward higher education.*—The religious tenets of the founders of Utah made it imperative that this deeply religious people train a ministry for proselyting purposes, and enlighten the membership in the evolving theological concepts. Isolated as they were, both before and following their arrival in Utah, it was necessary for the Mormons to sponsor their own educational program in order to perpetuate their existence and provide a trained leadership for religious and community life. Moreover, it has long since been known that educational control is one of the principal means of maintaining social solidarity; hence it was through management of all schools that the leaders sought to attain their objectives. Considering the time, the location, and other circumstances, the Mormon effort to establish and maintain schools at Kirtland, Ohio, was commendable. Likewise, in their wanderings on the frontier, education was not forgotten. A notable example may be observed in the oration delivered by Sidney Rigdon, a high-ranking church official, on July 4, 1838, at Far West, Missouri, when he declared that at that spot the "Saints" would erect a pretentious structure to be used for the dual purpose of education and worship.<sup>1</sup>

*Initiating the University of Deseret.*—After their arrival in the summer of 1847, the founders of Utah lost no time in planning a program of higher education and an organization by which the schools could be administered. Evidently the Nauvoo plan<sup>2</sup> was essentially what they wanted, for on February 28, 1850, the General Assembly of Deseret passed the ordinance that created the University of Deseret. Many claims have been made about the historical significance of this first university. In pattern and purpose, however, it was borrowed from Nauvoo. The importance of this early legislative act justifies the inclusion of the entire ordinance herein:

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<sup>1</sup>Sidney Rigdon, "Oration" delivered July 4, 1838, at Far West, Caldwell County, Missouri. (See Chapter 1.)

<sup>2</sup>"Nauvoo plan" given in detail in Chapter 1.

AN ORDINANCE INCORPORATING THE UNIVERSITY  
OF THE STATE OF DESERET

Sec. 1. Be it ordained by the General Assembly of the State of Deseret: That a university is hereby instituted and incorporated, located at Salt Lake City, by the name and title of the University of the State of Deseret.

Sec. 2. The powers of the University shall be vested in a chancellor and twelve regents, the number of which regents may be increased when necessary, who shall be chosen by the joint vote of both houses of the General Assembly, and shall hold their office for the term of one year, and until their successors are qualified.

Sec. 3. The chancellor shall be the chief executive officer of the university, and chairman of the board of regents.

Sec. 4. The chancellor and board of regents are a body corporate, to sue and be sued; to act as trustees of the university; to transact or cause to be transacted all business needful to the prosperity of the university in advancing all useful and fine arts and sciences; to select and procure lands; erect and purchase buildings; solicit donations; send agents abroad; receive subscriptions; purchase books, maps, charts and all apparatus necessary for the most liberal endowment of any library and scientific institution; employ professors and teachers; make by-laws; establish branches of the university throughout the State; and do all other things that fathers and guardians of the institution ought to do.

Sec. 5. The chancellor and regents may appoint a secretary, and define his duties.

Sec. 6. The chancellor, regents and secretary, before entering upon the duties of their respective offices, shall each take an oath of office, and file a bond in the office of the auditor of public accounts, with approved securities, in a sum not less than ten thousand dollars, conditioned for the faithful performance of their several duties; which sum may be increased at the discretion of the executive of the State.

Sec. 7. There shall be a treasurer of the university elected in the same manner and for the same time as the chancellor and regents, whose duty it shall be to receive and safely keep the funds of the university or dispose of the same as he shall be directed by the board of regents; and keep accurate records of all funds that may come into his possession; and keep his books open at all times for the inspection of the chancellor and regents, or any of them, and of the executive and secretary of State.

Sec. 8. The treasurer, before entering upon the duties of his office, shall take an oath of office and file a bond, with approved security, in the office of the auditor of public accounts, in the sum of one hundred thousand dollars, conditioned for the faithful performance of his duties, which sum may be increased at the discretion of the executive of the State.

Sec. 9. Should a vacancy occur in the board of regents or any office in the institution, during the recess of the General Assembly, the executive of the State may fill such vacancy.

Sec. 10. It shall be the duty of the officers of the university to prepare and open books, and be ready to receive subscriptions, donations and appropriations, on or before the sixth day of April next; and shall legibly enter upon

their books all subscriptions and donations to the university, with the names of the donors, time and place, and preserve the same.

Sec. 11. The sum of five thousand dollars is hereby appropriated annually out of the State Treasury, for the use and benefit of said university.

Sec. 12. The board of regents shall have a seal known as the seal of the university, which may accompany all their official correspondence, and all other legal documents given under the hands of the regency of the university.

Sec. 13. It shall be the duty of the chancellor and board of regents, as soon as the funds arising from donations or otherwise may justify, to establish a free school institution for the benefit of orphans and other indigent worthy persons.

Sec. 14. The secretary and treasurer shall each present a full and explicit report in writing of the situation, funds and doings of the university in their several departments, on the first of December in each year, to the secretary of State.<sup>3</sup>

With the passing of this ordinance by the general assembly the first civil law was enacted which attempted to place education on a legal basis.

*The parent school of the university.*—The term "parent school" was adopted and used in referring to the instructional part of the University of Deseret. This justification is found largely in the fact that it was the "head" of all other education in the state of Deseret. The school officially opened November 11, 1850, in a private house under the supervision of "Professor Orson Spencer" acting in the capacity of chancellor.<sup>4</sup> The report says the board of regents employed "Dr. Collins, A.M. . . . who will instruct in all branches taught in high school."<sup>5</sup> The registration fee was \$8.00 per quarter with one-half of the amount paid in advance. The local newspaper gave considerable publicity to the event of the university opening. Six consecutive issues up to and including January 25, 1851, contained identical copies of the initial announcement. At the time the school first began it was "designed for gentlemen," but the report added, "as soon as a room can be prepared, another school similar in its object and character will be instituted for ladies."<sup>6</sup>

The plan of uniformity of education controlled by subject matter and teaching methods is indicated in one report of this first school: "The object of the Parent School is to qualify teachers for the District or Ward Schools, and then for a higher order of schools

<sup>3</sup>*Laws of the Territory of Utah, 1850, "An Ordinance Incorporating the University of the State of Deseret."*

<sup>4</sup>*Deseret News, Vol. I, November 16, 1850.*

<sup>5</sup>*Ibid.*

<sup>6</sup>*Ibid.*

. . . that there may be uniformity in the method of teaching throughout Deseret."<sup>7</sup>

On February 6, 1851, Orson Spencer, chancellor, and W. W. Phelps, regent, wrote a statement "by advice and direction of a vote of the Board of Regents of the University of Deseret" reporting "the second term of the Parent School" would commence "in the upper room of the State House on Monday the 17th. . . ."<sup>8</sup> Evidently the number of "scholars" was not as large as was anticipated. Beginning with the second term the school admitted "male and female scholars in all the necessary branches of education, usually taught in such institutions."<sup>9</sup> The price of tuition was reduced to \$5.00 per quarter.

From the time of its inception it was the policy of the governing body of the university to provide a means by which teachers for the colonies throughout the state of Deseret might be equipped for teaching services. The announcement beginning with the second term contained a plea "that a goodly number of scholars may qualify themselves for teachers."<sup>10</sup> Five days following the beginning of this term the newspaper reported "the school numbers about forty scholars," and declared "there is room for fifty or sixty more. . . ." and again admonished "all who wish to become teachers in the several wards, to be in attendance at this school, so that they may see and hear the right way, and go and do likewise."<sup>11</sup>

The *Deseret News* contained this announcement of the opening of the third term of the parent school:

The third term of the Parent School of Deseret University commenced on Monday, Oct. 27, in the 13th Ward School House, where an opportunity now offers for persons to qualify themselves for teachers in common schools, or, for improvement in the educational branches which render the duties of life pleasant. The terms are, for the common branches, \$5.00 one half in advance.

Professor Pratt having been engaged to assist in the services of the School, Astronomy, Mathematics, Algebra, &c., will be taught. As the house is not calculated for more than 75 to 100 scholars, early attention will secure a privilege for those who may wish to improve in knowledge.

Orson Spencer, Chancellor  
W. W. Phelps, Reg.<sup>12</sup>

*Activities of the university regents.*—The regents of the university were prominent church men and were concerned, as were

<sup>7</sup>*Ibid.*

<sup>8</sup>*Deseret News*, Vol. I, February 8, 1851.

<sup>9</sup>*Ibid.*

<sup>10</sup>*Ibid.*

<sup>11</sup>*Deseret News*, Vol. I, February 22, 1851.

<sup>12</sup>*Deseret News*, Vol. II, March 20, 1852.



other local ecclesiastical leaders, in perpetuating the religious, social, and educational welfare of the colonists. They possessed grave anxieties, and expressed the same publicly, over the problem of maintaining a sufficiently large number of approved teachers for the expanding communities in remote valleys. Working toward a solution of the problem of teacher shortage, the regents began an "educational conversion" program. They made public lectures and met with those who might be interested in teaching positions. They proposed that all who were capable of teaching should meet at "a convenient school house" with such "parents as take an interest in education" and "the examining committee. . . . At these meetings," they said, "we wish the teachers to propose and discuss briefly those questions that are pertinent to their organization; to relate their mode of teaching and governing, and prominent results of their observations; also to give those they have invited, opportunity to make applicable remarks and suggestions."<sup>13</sup>

The regents described in the newspaper those personal qualifications they thought to be essential for teaching success. They wrote on methods of teaching and provided other means of training teachers under their supervision. Of this educational activity, the paper announced: "A course of lectures from the regency is confidently looked for before many weeks from which it is fervently hoped that the schools of the Territory will receive a good impulse."<sup>14</sup>

This concern for training teachers throughout the colonies may be noted in Governor Young's message delivered to the Legislative Assembly after the parent school was discontinued. Said he:

I fear that sufficient attention is not paid to the selection and examination of teachers, or the manner of conducting schools. Although the Board of Regents have doubtless by their influence aided much, and are still extending their influence and exertions in a general way to advance the cause of education, yet at this moment, there is not a Parent School for the instruction of Teachers—a mathematical or High School where the higher branches are taught, in all the Territory.<sup>15</sup>

As university officials functioning in administrative capacity through the university organization, it was the task of the regents to spend time and effort in giving supervisory help to the schools throughout the colonies. They claimed it was "wisdom" that such "discretion [be] left with the Chancellor and Board of Regents.

<sup>13</sup>*Deseret News*, Vol. III, December 11, 1852.

<sup>14</sup>*Deseret News*, Vol. II, November 12, 1852.

<sup>15</sup>"Governor's Message," *Journal of Joint Session of the Legislative Assembly of Utah Territory*, December 11, 1854, p. 98.

. . . for the attainment of the above desirable objects. . . , [in order that] a child can be taken from the first by a regular system constantly improving with experience, until he graduates at the University."<sup>16</sup> From time to time the *Deseret News* contained the school assignments of the regents. The following admonition depicts in part the objectives of these university administrators:

See that competent schools are established in each Ward or District on a scale extensive enough to accommodate all the scholars of said Wards or Districts; and keep a watchful eye upon the character of the Schools, the manner in which they are conducted; and suggest any improvement that you may discover necessary. Advise with the Trustees, and act as their aids and counselors in their responsibilities.

Enjoin it upon the Trustees and Board of Examiners to make it an indispensable requisite in teachers to forthwith qualify themselves to teach the Deseret Alphabet in their respective schools.

It is expected that the regents and the twelve apostles who may visit the various towns and settlements in the Territory, together with these principles in all their circuits. . . .<sup>17</sup>

It was the plan of the university regents to insist that all schools were operated under the influence of religion. Numerous admonitions describing the importance of this item were given to the teachers. Another center of activity of the university regents was the unusual interest they showed in the Deseret Alphabet, both in its development and in its inauguration into the courses of study throughout the territory.

*The original University of Deseret was short-lived as an institution.*—As indicated above, the ordinance that created the University of Deseret was approved by the general assembly on February 28, 1850. This act was ratified by the first territorial Legislative Assembly on October 4, 1851. The first members of the board of regents were: Daniel Spencer, Orson Pratt, John M. Bernhisel, Albert Carrington, William Appleby, Daniel H. Wells, Robert L. Campbell, Samuel W. Richards, W. W. Phelps, Hosea Stout, Elias Smith, and Zerubbabel Snow. At the first meeting of the board of regents held March 13, 1850, James Lewis was elected secretary. Likewise, at this initial meeting a committee of three was appointed to select a university site.

The second term of the university or parent school began February 17, 1851. The location was shifted from the Pack residence to an upper room of the council house. Orson Spencer and W. W. Phelps were instructors. The third term of the parent school was

<sup>16</sup>*Deseret News*, Vol. III, December 11, 1852.

<sup>17</sup>*Deseret News*, Vol. IV., December 7, 1854.

held in the 13th Ward school house. The ordinance that provided for the university contained a grant of five thousand dollars supposedly to be appropriated annually out of the state treasury. Money was scarce and evidently the members of the general assembly found many other needs for public funds; hence, on March 6, 1852, an act was passed that repealed the eleventh section of the original ordinance, which left the university without the aid of public revenue. Therefore, the parent school or university as an educational institution was closed in 1852. With the closing of the university there were no training facilities beyond the elementary level, and the status of education in general was lamentable. In 1856 Orson Pratt said:

Have we had a high school here? Not in this valley. But, says one, we have had a parent school, and that is what we consider a high school. Yes, we have a great many things in name, but mere name is not what is wanted. We have had a University in name, and that is greater than a college, for it is expected that in a University all sciences will be taught, but as yet we have had no such University.

Have we colleges? I believe none, even in name. If we have, they have been very inferior to those in the Eastern States. Go to the schools in the New England States and see the order that is kept in them, see the improvement of the youth who are taught in them, and then come back to our high and common schools and you will see that the common schools of the East will far surpass any that we have yet had in our Territory, for in those schools many of the higher branches of education are thoroughly taught. . . .<sup>18</sup>

The financial struggles of the university preceding its termination were briefly described by Governor Young in his message to the Legislative Assembly on January 5, 1852.

The University, I am happy to say, is in successful operation under the guidance of the Chancellor and Board of Regents, so far as a school can promote its interests; although that institution has suffered in common with other enterprises for the want of the promised aid from the Legislature. The grounds are partially enclosed with a very good stone wall, and a building designed for their temporary use commenced in the thirteenth ward of this City.<sup>19</sup>

The regents of the university worked courageously to secure funds to maintain the institution they had initiated. Among other plans they authorized Chancellor Orson Spencer to issue a circular, appealing to anyone who cared to give financial aid to perpetuate the school. Portions of this message follow:

Patrons of Learning.—The citizens of the State of Deseret, having established a University of Great Salt Lake City, the Chancellor and Board of

<sup>18</sup>*Deseret News*, Vol. VI, May 14, 1856.

<sup>19</sup>Brigham Young, "Message to the Legislative Assembly," January 5, 1852.

Regents appointed to superintend the same, do hereby issue the following circular to you. Hear us and then judge. We do not ask your aid, unless we can give you good reasons why you should patronize our object.

We should despair of any assistance whatever, if we were not assured that our young institution has greater claims than any other. . . .

Let Christians, Sceptics, Pagans, Jews, Mahometans, [sic] remember this Institution with favor, for some of their brethren will be beneficiaries among us. A little surplus invested here will bring you an hundred-fold and show favor to the Lord. Giving sometimes enriches the giver.

Kings, Princes, and Potentates, look at this circular; at this Institution; and this healthy and hiding place; and then look at the little cloud that is gathering over your thrones and consider.

Even you may yet want a safe home, and a hiding place from the storm of anarchy. Your sons and your daughters may here want culture, freedom, and retirement. . . . [These things] all invite you most assuredly to send your names before your approaching flight, accompanied with gifts, incense and precious treasures, to this new born infant of the mountains. . . .

Graduates of colleges, and students of law, medicine, and theology, may here receive weekly lectures, gratis. No persons will be denied the benefits of the University for want of pecuniary means. Donations may be paid over to Orson Pratt, Liverpool, England; to John Taylor, Paris, France; to Lorenzo Snow, Rome, Italy; to Erastus Snow, Copenhagen, Denmark; and to Orson Hyde, United States.

Done by order, and in behalf of the Board of Regents of the University of the State of Deseret.

Orson Spencer, Chancellor<sup>20</sup>

*Attempts to obtain land and funds from the government for the benefit of the university.*—The general assembly began from the first of its existence to try to secure some benefits from the federal government. A number of resolutions and memorials were prepared, approved, and sent to the United States Congress. Their importance in the attempt to find financial aid for the university necessitates additional reference thereto. On March 6, 1852, one such memorial was approved. It was addressed to the "Senate and House of Representatives of the United States Congress," and in part states:

Your memorialists the Governor and Legislative Assembly of the Territory of Utah, respectfully pray your honorable body to provide for the survey of the public lands; and also to extend to this Territory and its inhabitants the same privileges and donations of land to settlers, and for educational purposes, as were extended to the people and Territory of Oregon. . . . <sup>21</sup>

The fact that the University of Deseret was compelled to close its doors for want of funds with which to operate did not

<sup>20</sup>*Millennial Star*, Vol. XII, October 1, 1850, pp. 294-96.

<sup>21</sup>*Acts, Resolutions, and Memorials Passed by the First Annual and Special Sessions of the Legislative Assembly of the Territory of Utah, 1851.*



hearken the law-making body in the attempts to secure some federal assistance. On January 17, 1854, a memorial written to the United States Congress was approved. Herein the assembly asked Congress to "appropriate the sum of five thousand dollars, to advance the interests of the University."<sup>22</sup>

In 1855 the Legislative Assembly passed an act "granting and confirming unto the University of the State of Deseret certain land claims therein." This included:

. . . . all that portion of land described as follows, to wit: Beginning at a point one half mile due east from the north east corner of plot B, in Great Salt Lake City, and extending due south two hundred and eighty rods; thence east one mile; thence north two hundred and eighty rods; thence west to the place of beginning, or as it is now bounded and commonly known as the University ground, granted to the University of the State of Deseret by the Legislative Assembly of the Provisional Government, is granted and confirmed unto the said University of the State of Deseret; together with all the privileges, products, appurtenances and benefits appertaining thereto or arising therefrom.<sup>23</sup>

In 1859 another act was passed requiring a board of commissioners to be elected by the vote of the people, whose duty it was when elected "to select and locate. . . a quantity of land equal to two townships, in accordance with the provisions of the third section of an Act of Congress entitled 'An Act to establish the office of Surveyor General of Utah, and to grant land for School and University purposes.'<sup>24</sup>

Each unit of the general assembly had a committee on education and these individuals displayed an interest in obtaining any land or other benefit from the government that might be attained. An analysis of the legislative discussions indicates extensive effort on the part of these committees in their attempts to devise ways and means of providing revenue for the university.

Shortly after the parent school was instituted a tract of land was set aside by the assembly for the benefit of the university. Plans were made to have a fence surround this land. An area of grazing ground was designated by the city council for the teams used in quarrying and hauling rock for the fence.<sup>25</sup> The construction of this fence was a great cooperative effort, as may be noted by the following excerpt:

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<sup>22</sup>Acts, Resolutions and Memorials Passed by the Third Annual Session of the Legislative Assembly of the Territory of Utah, approved January 17, 1854.

<sup>23</sup>Acts, Resolutions and Memorials Passed at the Fifth Annual Session of the Legislative Assembly of the Territory of Utah, approved December 28, 1855.

<sup>24</sup>Acts, Resolutions and Memorials Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah, approved January 21, 1859.

<sup>25</sup>Deseret News, Vol. I, May 17, 1851.

The University land is now being fenced and as our brethren are well aware that it is all done by donations, we would call on all who take an interest in the spread of schools, etc., to put to and help in this matter,—bring in your wheat, corn, potatoes, beef, pork etc., to help build this fence, that we may have such a place erected as will show to those who come from all parts of the world to worship God, that we will be great, and our children after us; for we will have all truth which can be given from books or any other source in the world.<sup>26</sup>

*The university regents and the superintendent of common schools.*—The administrative strength of the university regents was increased when the Legislative Assembly passed a resolution giving the regents the right to appoint a superintendent of primary schools for the colonies of Utah. The complete resolution follows:

A Resolution, Creating the Office of Superintendent of Common Schools.

Resolved by the Governor and Legislative Assembly of the Territory of Utah, That the Chancellor and board of Regents of the University of Deseret, are hereby authorized to appoint, a Superintendent of Primary Schools, for the Territory of Utah, under their supervision and discretionary control, and award such a salary to him at the expense of the Territory for his services, as they may deem expedient: Provided however, that the salary of said Superintendent shall not exceed the sum of one thousand dollars per annum.<sup>27</sup>

Elias Smith was appointed the first superintendent of primary schools for the territory, and worked under the immediate direction of the chancellor and regents of the university; or in the words of the resolution, he shall be “under their supervision and discretionary control.” At different times this act was amended, but for years the university officials retained the control of all schools. The original act that created the University of Deseret and the administrative officers stated that this governing body was to hold office for one year. By 1856 this was amended and at that time a resolution was approved which extended the term of office of these officials to “four years, and until their successors are elected and qualified.”<sup>28</sup>

#### GROWTH OF THE UNIVERSITY OF UTAH AFTER ITS ORGANIZATION

*Initial efforts of 1867 and 1869.*—The “First Annual Catalogue of the Officers and Students in the University of Deseret for the Academic Year 1868-9” contains a brief and vividly de-

<sup>26</sup>*Ibid.*, February 22.

<sup>27</sup>*Acts, Resolutions and Memorials Passed by the First Annual and Special Sessions of the Legislative Assembly of the Territory of Utah, approved October 4, 1851.*

<sup>28</sup>*Acts, Resolutions and Memorials Passed at the Fifth Annual Session of the Legislative Assembly of the Territory of Utah, approved January 3, 1856.*

scriptive history of the institution up to that time. The years the university served as an institution of learning following 1850 were few and relatively insignificant. For a fifteen-year interval—1852-1867—instruction was not offered; but many residents, and particularly members of the Legislative Assembly, Governor Young, the territorial superintendent of common schools, and the regents and chancellors, looked hopefully and worked enthusiastically for the time when the University of Deseret as an institution of learning might again be a reality. The first catalogue stated:

In the fall [November] of 1867, the Department of Instruction was reorganized, but conducted chiefly as a Commercial College (under the direction of Mr. D. O. Calder), till the 8th of March of the present year [1869], when it was more fully organized as an Institution for Scientific and Classic Instruction. . . .<sup>29</sup>

Dr. John R. Park was selected as the first principal or president of the university when it was initiated for general educational purposes. His appointment was announced March 1, 1869.<sup>30</sup> The growth was slow during the beginning years and the absence of sufficient funds was conspicuous. The territory had not provided a system of high-school education and hence students academically trained for college study were not available. Death had taken many of the older and better-educated people who came to Utah at an earlier date and who were ardent supporters when the University of Deseret was initiated. In his report for the years of 1873-74, 1874-75, and the first half of 1875-76, Daniel H. Wells, chancellor of the university, said, "few students have perused any of the courses regularly and to completion. . . ."<sup>31</sup>

*Early course of study offerings.*—In his report of 1876 the chancellor declared, "there are provided four regular, prescribed, courses of study: a preliminary, a scientific, a classical preparatory, and a normal course."<sup>32</sup> For several years the territorial superintendent of schools had urged the initiation of a normal school as part of the university. In fact, with his congratulatory remarks to the Legislative Assembly for their opening of the university this chief school official said (January 19, 1870), "To the normal department of this institution does the Territory look with anxious

<sup>29</sup>*First Annual Catalogue of the Officers and Students in the University of Deseret for the Academic Year 1868-69*, p. 13.

<sup>30</sup>*Chronological History of the Latter-day Saint Church*, March 11, 1869.

<sup>31</sup>Daniel H. Wells, *Report of the Chancellor of the University of Deseret*, 1876, p. 122 of *Journal of the Legislative Assembly of the Territory of Utah*.

<sup>32</sup>*Ibid.*

solicitude for a supply of school teachers.<sup>7783</sup> Repeatedly the superintendent urged that the normal school be accepted as a part of the university. This addition was realized in 1875.

Of the preparatory division of the school the chancellor said:

Though the institution has a classical preparatory course, designed to fit students for entering the freshman year of any thorough classical institution I am not able to speak encouragingly of its patronage.

It is proposed, therefore, soon either to abandon it, or to place it if possible on a self-sustaining basis.<sup>84</sup>

These three—the classical, scientific, and normal course, together with the preparatory course which was of high-school level—covered the offering of the university for some years. In the report of 1882-83 the chancellor said:

Its classical course is fitted for those who aspire to pure literary attainments; its scientific course is full of practical features; its normal course is giving greater life and efficiency to our whole educational system by training young men and women as qualified teachers for our district schools; and its preparatory course gives advanced instruction in the common branches to a large number of persons who can find no instruction nor classes in our district schools suited to their attainments and age.<sup>85</sup>

Beginning in the winter of 1882-83 the university inaugurated a special course which was devised to assist the farm boys or persons in business who might be unable to attend the full academic year.

As indicated above, one of the major problems in operating the university at an earlier date was the fact that very few students in Utah had received an education sufficient to carry on standard college studies. This lack of preparedness may be noted by a statement of the university officials published fourteen years after the institution was reorganized in 1869:

Candidates for admission to the institution should be able to sustain an examination in reading, arithmetic, English, Grammar, Geography and spelling. Although these branches are included in the preliminary course provided by the institution, yet the plan and the character of the instruction given in this course are such that they contemplate some previous knowledge of these subjects. No applicant, however, will be excluded from this course, provided he has attained a proper age.<sup>86</sup>

The elementary aspect of the university courses of study may be further observed by an analysis of the specific subjects and the

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<sup>83</sup>Robert L. Campbell, *Territorial School Report for 1869*.

<sup>84</sup>Wells, *op. cit.*

<sup>85</sup>George Q. Cannon, *Report of the Chancellor and Board of Regents of the University of Deseret, for the year ending June 30, 1882-83*, p. 31.

<sup>86</sup>*Ibid.*, p. 35.



number of students enrolled in each. In 1874-75 there were twenty-four subjects offered. Those carrying the largest registration were classes in reading, arithmetic, grammar, geography, dictation, and punctuation. Eighty-one students were enrolled in the university during the first term of the year 1874-75. Forty-one of these were registered for reading. During the second term there were 121 registered in the institution, and seventy-four of this number were in reading classes. Some of the subjects were offered only one of the four terms of the year, and customarily these had but few students attending. For example, during this same year, Greek was offered one term with three students registered. Analytical geometry was given one term with five students, and trigonometry and surveying one term with seven students.<sup>37</sup>

*Administrative and instructional personnel of the reorganized university.*—The reorganization of the university, effected in the latter part of the 1860 decade, included the following officials and individuals: chancellor, Daniel H. Wells; board of regents, Isaac Groo, Joseph A. Young, Robert L. Campbell, Henry I. Doremus, Samuel W. Richards, George Q. Cannon, George J. Taylor, Brigham Young, Jr., David O. Calder, Henry W. Naisbitt, George Reynolds, and David McKenzie. Robert L. Campbell was secretary and Thomas W. Ellerbeck was treasurer. An executive committee was appointed consisting of Robert L. Campbell, Isaac Groo, and David Calder.

John R. Park was selected as the first president of the university and professor of natural history and chemistry. Evidence obtained from the payrolls at the mid-point of the 1870 decade indicates that most of the instruction for which salaries were paid was given by Dr. Park, J. L. Rawlins, and F. M. Bishop. However, listed in the catalogue as members of the faculty from the time the reorganization took place when Park was appointed president, and including the first few years when the course offerings were listed, were the following individuals: Orson Pratt, Sr., Professor of Mathematics, Astronomy, and Moral Science; Bernard H. Bergman, Professor of Ancient and Modern Languages and Literature; William Riess, Professor of Analytical Chemistry and Metallurgy; Louis F. Monch, Professor of German, Drawing, and Penmanship; Harmal Pratt, Professor of Instrumental Music; W. D. Johnson, Assistant Instructor in Commercial Department; Joseph L. Rawlins, Assistant Instructor in Preparatory Department and Mathe-

<sup>37</sup>Wells, *op. cit.*

matics; Volney King, Instructor in Telegraphy, and M. H. Hardy, Instructor in Phonography.<sup>38</sup>

*The problem of location for the university.*—It took many years to provide the university with a permanent home. The poverty of the territory, the apparent laxness on the part of Congress in designating land for university purposes, an indifference of certain people who were in legislative and executive positions, and the absence of public interest as manifested by the small student enrollments following the reorganization, all contributed to this general retardation. The report of the chancellor and board of regents in 1883, written at the time when it was thought the permanent home of the institution appeared in sight, describes this problem:

For many years the University has had scarcely a shelter, in fact from the beginning it has been shuffled from place to place until it can be truly said, although it has had a name, it has had no habitation. The new University building, now so proudly and conspicuously adorns the City of Salt Lake, is an honor to our Territory, and gives it better hopes for the future.<sup>39</sup>

Elsewhere this report states, "The University has yet no building of its own to occupy."<sup>40</sup> At the time the university was re-established as a commercial school in 1867 it was located in the Council House, and remained there until September 15, 1876, when it was moved to what was called Union Academy.<sup>41</sup> It was the turn of the century, however, before the permanent site of the institution was a reality. Reports by the regents, the chancellors, and the university presidents, covering several years, indicate the magnitude of this problem. Some of this anxiety for campus improvements, including grounds and buildings, was shown by James E. Talmage, following the gift of sixty acres of ground by the federal government. In 1896 President Talmage said:

I must repeat my earnest recommendation of last year that some effort be made to secure an appropriation for the improvement of the University grounds. The campus remains in an utterly neglected condition, while by a small expenditure it could be improved in points of utility and beauty as well as in actual value. While the lack of funds may be an all sufficient explanation of the fact that no expenditure for the improvement of the campus has been authorized, an additional reason is doubtless found in the existing uncertainty as to the permanent location of the University.<sup>42</sup>

<sup>38</sup>*University of Utah Catalogues*, 1868-86.

<sup>39</sup>Cannon, *op. cit.*

<sup>40</sup>*Ibid.*, p. 7.

<sup>41</sup>Daniel H. Wells, *Report of the Chancellor of the University of Deseret*, 1877, pp. 40-41.

<sup>42</sup>James E. Talmage, *Report of the Board of Regents and the President for the year* 1896, p. 14.

Within this same report President Talmage declared that a sixty-acre tract of land had been made on the east bench to the state of Utah for a university site. He urged legislative action to provide for a survey of this land in order that a permanent home for the university might be found.

In the spring of 1906 the United States Congress passed a law granting to the university an additional thirty-two acres of ground, which made a total of ninety-two acres that had been given from that source. This land adjoined that given by the former grant and assured a permanent home for the growing institution. During the years that have passed with its numerous and diversified developments, it has come to be regarded as one of the most beautiful university sites of the nation.<sup>43</sup>

#### GENERAL GROWTH OF THE UNIVERSITY OF UTAH

*Growth in subject-matter offerings.*—The reorganization of the University of Deseret in 1867 was to make available a small commercial school. Two years later the permanent organization of the university took place; but this was not a university strictly speaking, for most of the course offerings were not only on a secondary level, but worse still, they were actually very elementary and the three R's occupied much of the time and effort of the students. In 1884 the statutes controlling the university were amended and in that year authorization was given "for conferring degrees and issuing diplomas."<sup>44</sup> Gradually, as the end of the territorial days approached and statehood became a reality, various needs were evident. A new social and political order came into existence and therewith were additional demands for advanced training. The full-time paid faculty of the university in the late 1870 decade consisted of only two or three individuals in addition to Dr. Park, for the revenue was so meager that it was an impossibility to induce well-trained individuals to accept teaching positions. The territorial appropriations were five thousand dollars per year and the tuition fees about an equal amount.<sup>45</sup>

The problem of sufficient money to retain the services of capable instructors existed to a serious degree until well after the turn of the century. The regents' report for 1905 and 1906 depicts this situation in the following statement:

<sup>43</sup>W. W. Ritter Chairman of the Board of Regents of the University, Regent's Biennial Report for 1905-1906.

<sup>44</sup>*Laws of the Territory of Utah*, "An Act Amending Section 576 of the Compiled Laws of Utah," Approved March 13, 1884.

<sup>45</sup>Wells, *op. cit.*

The teaching force of the University is not large enough to do well the work required. At least five or six additional assistants paid a salary ranging from \$900 to \$1,200 per year should be employed to have all the work thoroughly done. Your attention is called to the important fact that many of the professors are inadequately paid for their services. . . . Recently very competent men have resigned because the University could not afford to pay them better salaries than they were getting.<sup>46</sup>

In terms of number of students, the university has had almost continuous growth since its reorganization. The changing economy of the state and the nation, together with other variables, have prevented a constant growth, however. The 1890 decade began with slightly more than three hundred students attending the university. By the year of 1894-95 the number was 454, and the first year following statehood, 539 were enrolled. It is evident that most of these were not in reality students of college level; for as late as 1906 the president of the university jubilantly said, "It is with pleasure that I can report. . . . students of college grade now outnumber those of high school grade."<sup>47</sup> There were at that time more than five hundred college students and between four and five hundred "normal and preparatory students of high school grade."<sup>48</sup>

*Early divisions of the university.*—During the first years of its existence there were included in the university proper three schools. These were: (1) the school of arts and sciences, (2) the school of mines, and (3) the state normal school. The school of arts and sciences was the general collegiate and preparatory area of subject matter and became the principal school at the time of the reorganization.

Plans were made for establishing a school of mines in accordance with the enabling act admitting Utah to statehood. A course in mining engineering was offered early in the 1890 decade, and in 1898 a course in electrical engineering was included. The school of mines was formally admitted as a part of the university by an act of the legislature in 1901. Both the mining engineering and electrical engineering courses very soon led to four-year courses which offered degrees. Throughout this century this school has flourished and continued to be one of the major divisions of the university. Its success was foreseen in the president's report for 1896 which was written shortly after the first courses of the school were offered. At that time the president said: "There is little

<sup>46</sup>Riter, *op. cit.*, pp. 9-10.

<sup>47</sup>*Ibid.*, p. 18.

<sup>48</sup>*Ibid.*, p. 20.



doubt that the Mining School will become one of the most important departments of the University."<sup>40</sup>

Some normal instruction was given toward the close of the 1860 decade. The state normal school, however, was not established until 1875 and has successfully operated as a school of the university for nearly three-quarters of a century. Following its organization, five thousand dollars was to be contributed "annually to the University of Deseret, to be drawn and expended under the direction of the chancellor and board of regents: Provided that forty pupils annually shall be instructed free of charge, for tuition, books, or apparatus, for one year in the normal department of said university."<sup>41</sup> The state normal school was heralded with much enthusiasm by university officials and all individuals who were administering the public schools. The territorial superintendent had advocated such an educational program because the existing extreme shortage of teachers thwarted the educational growth of the children of Utah. The attendance at the normal school varied from twenty-three to forty-four during the first several terms. By 1896 the number of normal school students increased to 367 pupils. One of the early reports of the regents stated that the course was essentially designed for teachers, but that "Every one who may have the care of children, whether in school or at home, will find this course of study and discipline a profitable one."<sup>42</sup>

As in other schools of the institution, the first years of the normal school provided offerings of a very elementary nature. Toward the close of the century, however, it had grown until there were three divisions of courses. One of these was a four-year normal course and another a four-year kindergarten course, each of which, upon completion, led to state certification. Three years, however, were of sub-freshman grade. The third division led to a baccalaureate degree and a normal diploma. The 1907 and 1908 report stated that the requirements for entrance and the normal training were comparable with other schools of the university. In 1909 by legislative enactment, the state normal school became "The State School of Education."<sup>43</sup>

Shortly after the turn of the century other professional schools were included as a part of the university. In April, 1905, the first two years of a four-year medical course were introduced. The re-

<sup>40</sup>Talmage, *op. cit.*, p. 24.

<sup>41</sup>*Laws of the Territory of Utah*, sec. 20, of "An Act Providing for the establishment and support of district schools, and for other purposes," approved February 18, 1876.

<sup>42</sup>Cannon, *op. cit.* p. 41.

<sup>43</sup>*Laws of Utah*, 1909, ch. 45.

gents said, "This was done especially for the purpose of meeting the demands of young men of our state of little means and also to give such young men an opportunity to get the first two years of a medical course at home at a comparatively small cost."<sup>53</sup> The university medical school has enjoyed substantial growth and in 1944 completed the training for the first graduating class with a medical degree. In their report to the governor and Legislative Assembly for 1905 and 1906 the university regents said: "We strongly believe that the course in pharmacy and the first two years in law should be established. . . ."<sup>54</sup> The president's report for 1907 and 1908 asserted that the "two year's course in law has been established."<sup>55</sup>

Gradually, but certainly, beginning about 1908, graduate study was introduced at the university as a regular part of the institution. The greatest growth in all phases of the school came following the first world war. During the 1920 decade student enrollments increased with noticeable rapidity and consistently continued until the country entered war in 1941. Following the termination of World War II, university enrollments have again greatly increased. In this period of expansion, enlarged facilities of all schools, such as laboratories and libraries, have become common.

The act creating the University of Utah as a state school was passed in 1896. This has been amended slightly and expanded from time to time, but essentially the original law is at present operative. Important portions of the act approved on April 2, 1896, follow:

The name of the University organized under an Act approved February 28, 1850, and laws amendatory of and supplementary to said act, shall hereafter be 'University of Utah,' and with and by said name it is constituted a body corporate, with perpetual succession. . . .

The University shall be the highest branch of the public school system of education in this State, and, as far as practicable, its courses and methods of instruction shall be arranged to supplement and continue the instruction in other branches of the public school system. . . .

The government of the University and the management of its property and affairs is vested in a Board of Regents. . . .

The president of the University shall be ex-officio a member of the Board of Regents. . . .

The Normal School shall be continued as a department of the University, for students of both sexes. . . .<sup>56</sup>

<sup>53</sup>Riter, *op. cit.*, p. 10.

<sup>54</sup>*Ibid.*, p. 12.

<sup>55</sup>*University of Utah President's Report for 1907 and 1908*, p. 16.

<sup>56</sup>*Laws of Utah*, 1896, ch. 83, sec. 1-5.

## UNIVERSITY BRANCHES

*Timpanogos University.*—As indicated before in this chapter, it was the plan of the founders of the University of Deseret to establish branches of the university as the need arose. This was a part of the over-all plan by which the total education of the colonies was to be administered. One of these branch institutions was established at Provo. Its history is briefly given in the following words of the territorial superintendent in his report for 1874-75.

The Timpanogos Branch of the University, situated in Provo City, held two terms during the past year, with a daily attendance of about two hundred students. This institution was organized in April, A. D. 1870, and continued to be a marked feature of the county during its existence. Owing to an imperfect organization, it suspended last May. A new organization was effected on the 26th of November, A. D. 1875. Prest. Brigham Young, Proprietor of the University building and grounds, has executed a deed of the property, to seven trustees, who are to hold the same for the establishment and support of an academy.<sup>57</sup>

It may be further noted from the following quotation that this short-lived institution was considered an important influence in the community: "The Timpanogos University, two blocks south-east of the factory, is a great feature of this important city. It is a two-story brick building 70x44 feet. The University is ably conducted by Prof. W. N. Dusenberry, assisted by Messrs. J. E. Booth and Frank E. Stone. . . ."<sup>58</sup>

Occasionally the Provo City Council made appropriations to the Timpanogos Branch of the university, but it completely lacked any public source of revenue that might have made it an important part of the higher education of the territory. Out of this branch emerged the Brigham Young Academy and thence the Brigham Young University; not a public institution, but one of the three existing institutions of higher learning in Utah, and one of the well-known colleges of the intermountain country.

*The Cedar City Branch of the normal school.*—In 1897 the legislature passed an act that provided for the establishment of the branch normal school at Cedar City. The following portion of this law sets forth the intent of the law-making body:

Sec. 1. A branch of the State Normal School is hereby established in the southern part of this state, the same to be located as hereinafter provided.

Sec. 2. A Commission of three persons is hereby created consisting of

<sup>57</sup>O. H. Riggs, *Territorial School Report*, 1874-75.

<sup>58</sup>*Millennial Star*, Vol. XXXVI, January 27, 1874.

the Superintendent of Public Instruction, the president of the University of Utah and one other to be appointed by the Governor by and with the consent of the Senate; and whose duty it shall be, within four months after the passage of this act, to visit the counties of Beaver and Iron, and determine upon a site within said counties for the location of said school. . . .<sup>59</sup>

Requirement was made of the city or county wherein the school was to be situated to grant title of the ground and buildings to the state. For the two academic years following its proposed opening in 1897, \$15,000 was appropriated by the legislature for the purpose of maintaining and furnishing the school. Although this branch of the state normal school was not established until 1897, it apparently thrived from the time of its inception. President J. T. Kingsbury wrote a brief report of it soon after the beginning of the century and declared its enrollment would reach 250 at that time. Its usefulness and relationship to the parent school are well expressed in the following statement:

It is closely connected with the University. Its students take a preparatory Course there to the Fourth year Normal Course and complete their work in the University thus saving means to the State enabling the students an opportunity to come in contact with a broader life found in a University and in a larger city. The school is fairly well equipped. Its teachers are among the best in the State and its library and other facilities are excellent.<sup>60</sup>

Some anticipated that the university would operate several branch normal schools throughout the state; and immediately after the parent school opened, pressure was brought to bear on the general assembly for normal schools in other counties. The reports of the assembly show that requests were made at one time for such schools in the counties of Sanpete, Rich, Utah, and Washington.<sup>61</sup> Likewise, Mr. Milner of the education committee "reported petition of 630 citizens of Beaver County, for an appropriation of \$2,000.00 to aid in establishing and conducting a normal school in that county. . . ."<sup>72</sup>

*School for the deaf, dumb, and blind.*—The school for the deaf and the school for the blind now at Ogden were at one time a part of the University of Deseret. As a single institution it was established in 1884 and remained a part of the university until 1896, at which time it received a grant of 100,000 acres of land, was reorgan-

<sup>59</sup>*Laws of Utah*, 1897, ch. 24, secs. 1-2.

<sup>60</sup>A. C. Nelson, *Fourth Report of the Superintendent of Public Instruction of the State of Utah for the Biennial Period Ending June 30, 1902*, p. 95.

<sup>61</sup>John T. Caine, Educational Committee Chairman, *Journal of the Legislative Assembly*, 1876, pp. 222-223.

<sup>72</sup>*Ibid.*, p. 315.



ized and placed under a board of five trustees and moved from Salt Lake City. The first student enrolled on August 26, 1884. Two hundred five more were registered while it had university attachment. During its earlier years it was operated as a boarding school and supported largely by county funds. Beginning in 1888 the Legislative Assembly appropriated \$55,000 to build and equip a school for the deaf on University Square, and at the same time the territory assumed the obligation for financing the institution.<sup>63</sup>

At the time the school was separated from the university, the chairman of the board of regents said:

During the year, the Utah School for the Deaf, Dumb, and Blind has been separated from the University by operation of law. The association of these two institutions has always appeared incongruous, and the results have been decidedly unsatisfactory. The separation has already proved of great advantage to both.<sup>64</sup>

*Presidents of the University of Deseret and of the University of Utah.*—Orson Spencer was appointed the first chancellor at the time the University of Deseret was founded in 1850. In 1867, David O. Calder became president of an institution that offered a few commercial subjects (later became the University) and remained in this office for two years. In 1869, John R. Park became president and continued most of the time until 1892. Dr. Park was in Europe during some of this interval and hence Ida Ione Cook served as acting president, 1871-73. Those who followed Dr. Park and their term of office are as follows: James E. Talmage, 1894-97; J. T. Kingsbury, 1897-1916; John A. Widstoe, 1916-20; George Thomas, 1920-41; LeRoy Cowles 1941-46; and A. Ray Olpin, January 1, 1946——.

#### UTAH STATE AGRICULTURAL COLLEGE

*The founding and early growth of the college.*—The Utah State Agricultural College was established by an act of the Legislative Assembly of Utah in 1888. Representative Anthon Lund was the sponsor of the bill and one of the earnest enthusiasts of the institution. The bill was introduced February 28, 1888; amended and passed on March 8 of that year.<sup>65</sup> The so-called Lund Act was expanded and amended on June 30, 1888, March 27, 1889, and July 31, 1889. In each instance the plans of the college were enlarged. The legislative act was passed following the congressional act of

<sup>63</sup>Nelson, *op. cit.*, pp. 134-135.

<sup>64</sup>James Sharp, *Report of the Board of Regents of the University of Utah for the year 1896*, p. 4.

<sup>65</sup>*Laws of the Territory of Utah, 1888*, ch. 62.

July 2, 1862, which made grants of public lands to the various states for the purpose of establishing and operating institutions of higher learning, especially offering industrial and agricultural education. Soon after its organization the college received \$40,000 per year from the federal government. Fifteen thousand dollars of this amount was the result of the congressional act of March 2, 1887, providing for experiment stations, and \$25,000 resulted from the act of August 2, 1890, and was to be used for the purpose of giving instruction in agriculture, mechanic arts, and related subjects.

When Utah was admitted to the Union in 1896, a grant of 200,000 acres of public land was given with the agreement that from the sale of these lands a perpetual fund should be created, the interest only of which should be available to assist in the operation and maintenance of the college.<sup>66</sup>

College trustees were selected and they in turn appointed J. W. Sanburn as the director of the experiment station. In this capacity Sanburn served only from January, 1890, until May of that year. The college began as an educational institution in September of 1890, with twenty-two students registering on the opening day. A total of 139 students registered during the first year of the college history.<sup>67</sup> Although the school came into existence about twenty years later than the time of the reorganization of the University of Deseret, it was still confronted with securing students who were properly trained for work beyond the high-school level, and hence offered considerable work of a sub-freshman quality. The course of study by the beginning of the century included agriculture, mechanical engineering, civil engineering, general science, domestic arts, commercial (both two and four-year courses), manual training, and sub-freshman and preparatory courses. As may be expected, training in agriculture and mechanic arts was stressed. One description of the agricultural instruction follows:

The Agriculture Course is arranged especially for the general education and scientific training of agriculturists. During the freshman and sophomore years, students take the necessary fundamental work in chemistry, biology, botany, mathematics and other subjects. The agricultural work proper is given during the junior and senior years, and includes a variety of subjects that are related directly to the successful scientific pursuit of agriculture, such as rural engineering, stock feeding, animal industry, dairy husbandry, and veterinary science.<sup>68</sup>

By 1902 the college included six different schools in addition

<sup>66</sup>Emma J. McVicker, *Third Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1900*, pp. 72-73.

<sup>67</sup>Jacob S. Boreman, *Territorial School Report, 1890-91*.

<sup>68</sup>McVicker, *op. cit.*, p. 81.

to the experiment station. These were: Agriculture, Commerce, Domestic Science and Art, General Science, Engineering, and Manual Training. Degree courses were offered in Agriculture, Domestic Science, Commerce, General Science, Mechanical Engineering, Electrical Engineering, and Mining Engineering.<sup>69</sup> The faculty by that date included forty-seven individuals, counting the members of the experiment station.

The college relatively early in this century attracted students from a wide area in Utah and elsewhere in the nation. As early as the school year of 1903-04 there were 623 students registered. These came from twenty-four different counties in Utah, from thirteen different states, and from Canada.<sup>70</sup> From time to time it has necessarily needed to alter its policy of administration, and other administrative units have become desirable. These have included such units of control as the Director's Council and the College Council.

*Present status of the college.*—The state constitution safeguards the college and the university by confirming existing laws and protecting the "rights, immunities, franchises and endowments heretofore granted or conferred." These, states this basic legal code, "are hereby perpetuated unto said University and Agricultural College respectively."<sup>71</sup> In addition to the constitution the statutes provide a legal base for the operation of both of the public higher institutions in Utah. "The government of the college and the management of its property and affairs shall be vested in a board of trustees, consisting of the secretary of state and twelve resident citizens of the state to be appointed by the governor by and with the consent of the senate."<sup>72</sup>

The board is required to select one of its members as chairman who is to serve as the executive officer of the board. The board has general control and supervision of all of the college divisions. It is authorized and instructed to enact and adopt by-laws and policies that will guide the administration in the operation of the institution.

The Agricultural College has made very rapid growth in the past twenty years. During this period of time its expansion has included several times the number of students that were enrolled preceding the first world war. Several new buildings have been

<sup>69</sup>Nelson, *op. cit.*, p. 117.

<sup>70</sup>A. C. Nelson, *Fifth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1904*, p. 240.

<sup>71</sup>Constitution of the State of Utah, sec. 4, article X.

<sup>72</sup>School Laws of the State of Utah, 1943, 75-5-9.

added. The faculty has been greatly enlarged and the quality of training generally improved. Additional federal grants have been awarded and the amount of state revenue has been increased. Historically, Utah has been a rural state. Many of the young people live in rural communities and have sought the quality of training offered at the college. So popular has the demand become for entrance into the college that the institution has been forced to include an array of subjects that were not originally thought to be a part of the course offering of such a school.

*Presidents of the Utah State Agricultural College.*—President Franklin S. Harris became the seventh president of the Utah State Agricultural College, November 16, 1945. He was preceded by the following in this executive capacity: Jeremiah W. Sanborn, 1890-94; Joshua H. Paul, 1894-96; Joseph M. Tanner, 1896-1900; William J. Kerr, 1900-07; John A. Widstoe, 1907-16; Elmer G. Peterson, 1916-45.

*Branch Agricultural College.*—The branch normal school, once set up at Cedar City for the purpose of training teachers, has been discontinued and in its place and still operated by the state of Utah is the Branch Agricultural College. It is supervised by a director, but by and with the consent of the general control and direction of the trustees of the college. This institution does not offer advanced training.

#### UNIVERSITY AND COLLEGE RELATIONSHIPS

*Opinion of surveyors in higher education.*—Utah's interest in higher education may be noted by the fact that for the past twenty years, more of the young men and women of college age in Utah have attended school than in other states. Particularly, the per cent of the female portion of the population enrolled within the higher institutions is larger in Utah. A wholesome interest has been manifest by the citizens using as a criterion the amount of money spent directly and indirectly for educational purposes on a college level.

Enthusiastic discussion has arisen at different times concerning the advisability of more closely coordinating the interests and objectives of the two public institutions. A number of surveys have been made investigating this and other problems of common interest. These reports usually indicate that a saving of money could be made—with possible added efficiency—in the services the two schools offer, if an over-all administration were developed. One



important survey was made in 1926. On this topic the report states:

The commission recommends that a board of 10 members including the State superintendent of public instruction, ex officio, appointed by the governor and confirmed by the senate, serving without compensation for a term of nine years, to be known as the 'State Board of Higher Education,' be substituted for the board of regents of the university and the board of trustees of the agricultural college.<sup>73</sup>

In 1940 another study dealing with the state's educational problems, including those of higher education, was published. At that time, while the commission that wrote the report on higher education did not think the duplication of training between the two institutions was serious, they did recommend the following with the hope of coordinating the interests and efforts of the two schools:

The commission recommends the establishment of a single State Board of Higher Education to consist of nine members; one member from each of the state's judicial districts except that there shall be three from the third district. . . .

The commission recommends the appointment by the State Board of Higher Education of an executive officer, known as the chancellor, who would. . . . act as the Board's executive officer.<sup>74</sup>

As the situation currently exists, both of the public higher institutions continue under the administrative control common to that which has existed during much of their history. No single board of higher education has been developed. Legislative attempts have been made to have the state school office approve certain educational offerings to avoid unnecessary overlapping; but withal, each school continues essentially free to follow the pattern of operation that it wishes, and in this choosing both have served Utah commendably.

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<sup>73</sup>"Survey of Education in Utah," 1926, *Bureau of Education Bulletin* No. 18, p. 263.

<sup>74</sup>*Public Education in Utah, A Report of the Fact Finding Body*, 1940, pp. 53-54.

## CHAPTER XI

### SECONDARY EDUCATION

#### SECONDARY EDUCATION DURING THE NINETEENTH CENTURY

*Early attempts at secondary education.*—The organization of the University of Deseret under the direction of the regents was planned to be a method of administering all educational efforts in Utah. At that early date a system of graded schools through elementary, high school, and the university was designed. As an institution of learning the university did not succeed in its initial stages, nor did an effective scheme of secondary education emerge. The absence of money for school support, the demand for labor from the hands of all able-bodied youth, and the lack of stimulation from contacts with educational leaders where schools were becoming more common, tended to retard the learning progress beyond the mere elements of the three R's.

Education was particularly lacking in an organized system of schools for those of high-school age. A number of individuals established classes that were advanced beyond the elementary school level and open to the public with the payment of fees. Most of these classes during the first years were taught in Salt Lake City. For example, on December 22, 1858, Orson Pratt announced through the *Deseret News* that he proposed "to open a Mathematical School at his residence in G. S. L. City, in which he will teach. . . . Higher Mathematics." In this department of his school he proposed to teach descriptive and analytical geometry, analytical trigonometry, conic sections, differential and integral calculus, analytical mechanics and some other subjects. For "those in the higher department" he proposed to charge a fee of \$2.50 per week.<sup>1</sup> Covering a period of several years, Orson Pratt directed schools that were well advanced beyond the elementary level. A number of men took the initiative and encouraged some intellectual effort beyond the acquisition of an ability to read and a modicum of ability with the use of numbers. Karl G. Maeser, another well-known leader in Utah's educational history, was, preceding his going to Provo to direct the Brigham Young Academy, one of these private instructors in Salt Lake Valley. One announcement in the *News* in 1860 by Professor Maeser to "both ladies and gentlemen" stated that he

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<sup>1</sup>*Deseret News*, Vol. IX, December 22, 1858.

proposed to establish classes in "English, German, French, Italian, Latin, Greek, Drawing, Bookkeeping, Mathematics, and all the branches of a sound and practical education."<sup>2</sup> Dr. Maeser, who signed his name and title as "Karl G. Maeser, Professor of Natural Sciences, from the Budig Institute, Dresden," established what he called an academy for those who were interested in advanced study.<sup>3</sup>

A "Deseret High School" was announced and opened for the winter of 1861. The "upper classes" included "Reading, Composition, Grammar, Arithmetic, (mental and practical), Geometry, Algebra, Geography, American History, Natural Philosophy, Chemistry, Drawing, Needlework, Penmanship and French."<sup>4</sup>

*The absence of secondary education during early years.*—As indicated above, secondary education, as an organized pattern or plan of systematic and continuous progress available to all youth was non-existent in Utah for more than half a century. This situation was recognized by many who showed some anxiety about it. In his address to the Legislative Assembly in 1854 Governor Young declared that "In almost all the wards and districts, good school houses have been erected, and schools maintained a part of the year;" but these were elementary schools, for in the same address he said, "At this moment, there is not a parent school for the instruction of teachers—a mathematical or high school where the higher branches are taught, in all the Territory."<sup>5</sup>

In an impressive address in 1856 on the status of education, Orson Pratt reminded the settlers of Salt Lake Valley that they had a university in name only, and that they were without a high school or college.<sup>6</sup> Likewise, Robert L. Campbell, superintendent of common schools of the territory, expressed concern about the absence of high schools. In his report to the Legislative Assembly dated January 14, 1863, he quoted extensively from the address of Governor Young given nearly a decade earlier in which he attempted to portray the seriousness of this situation.<sup>7</sup>

In spite of the fact that the village pattern of community life was common in Utah from an early date, the schools were rural and relatively small. High-school education was a luxury that existed beyond the hopes and dreams of most young people. In these very

<sup>2</sup>*Deseret News*, Vol. XI, November 7, 1860.

<sup>3</sup>*Ibid.*, October 24.

<sup>4</sup>*Deseret News*, Vol. XII, October 2, 1861.

<sup>5</sup>Brigham Young, *Governor's Message to the Legislative Assembly of the Territory of Utah*, December 11, 1854.

<sup>6</sup>*Deseret News*, Vol. VII, May 14, 1856.

<sup>7</sup>Robert L. Campbell, *Territorial School Report*, 1863.

rural and isolated schools, children of different abilities and age levels met together to secure the best education that might be available under the circumstances. The small school district was the pattern of organization for administrative purposes and districts in some counties were more numerous than were the teachers. This rural social economy prohibited well-graded schools, and particularly high schools. The maturity or educational achievement of any given individual did not place him or her in a high school. Such an individual remained in the same small school with the younger children. This lack of gradation was a major educational problem to the territorial school superintendents, who repeatedly expressed their anxiety over the absence of consecutive grades that would lead in the direction of more advanced learning. The objective of a better organization was expressed by territorial Superintendent Nuttall when he said in his report for 1880-81, "The primary classes in the district schools should, in regular order, be promoted to the more advanced; the district school, with its well defined course, should aim to the high school or the academy, and with their fixed courses, all culminate in the college or university."<sup>8</sup> Superintendent Nuttall recognized particularly the seriousness of the problem of establishing and maintaining high schools in the existing small districts in the rural and pioneering conditions of that early date. He foresaw the need for consolidated effort in the establishment of high schools. In his report for 1882-83 he said:

In consideration of the remoteness of many of the towns and cities of the Territory from the University of Deseret, and schools of high scholastic character; and of the inability of the great majority of the population to send their children away from home to attend those schools, by reason of the great expense of so doing, and because the parents cannot entirely dispense with the assistance of their children in the labors incident to the home; we are led inevitably to a conviction of the desirability of establishing schools of higher grade in close proximity to the homes of our rural population, as a means of more certainly and more wisely disseminating general intelligence, cultivating and increasing the educational spirit and promoting its efficiency by improving the character of our district schools.<sup>9</sup>

The handicap of the small district and the problem it presented incident to the establishment of high schools was noted by others in public life of the territory. In his message to the Legislative Assembly in 1878, Governor George W. Emery said, "It would be wisdom to divide this city [Great Salt Lake City] into—say six school districts, with a high school as near the center as may be

<sup>8</sup>L. John Nuttall, *Territorial School Report*, 1880-81.

<sup>9</sup>L. John Nuttall, *Territorial School Report*, 1882-83.



convenient. . . ."<sup>10</sup> Governor Emery then proposed a plan of consolidation of other districts that would make high school education possible and expressed an opinion that the "town" pattern of colonization of Utah was conducive to the establishment of schools that were graded and that would include high schools.

The retardation of high schools and the persistence of the ungraded schools may be noted further by the fact that in his first state school report Dr. Park asserted there were only thirty-eight graded schools in Utah at that time (1896). However, he reported there were 160 partially graded and 576 ungraded schools. Speaking specifically of the status of high schools he said, "Thus far, practically no schools of higher grade than the eighth, have been maintained outside of cities of the first and the second class."<sup>11</sup> The absence of statutory provision for high schools was repeatedly noted by territorial leaders. In his report for 1888-89, Jacob S. Boreman, serving as commissioner of schools for Utah, called the attention of the Legislative Assembly to the fact that no "statute for the establishment of high schools" existed.<sup>12</sup> Again in his report for 1890-91, he said, "Ample provision should be made for the establishment of high schools. These are urgently needed in some counties, and I think the opportunity should be given to create and foster them."<sup>13</sup>

Civic as well as educational leaders recognized the barrier of the small school district to the establishment of high schools, and many resolved to correct this situation. Legislative enactment in 1890 provided for consolidation of schools in cities of the first and second class and made high schools within the district a possibility. In 1892 the following significant law was passed permitting the organization of high schools in districts having a population in excess of 1500 and in smaller districts uniting for consolidation purposes:

The Trustees of any school district having a population of over fifteen hundred when authorized by a majority vote of the taxpayers resident in the district present at a meeting called for that purpose may establish and maintain a high school, in which pupils may be instructed in higher branches of education than those usually taught in the district schools, and pupils over eighteen years of age may be admitted to and instructed in such schools, on such terms as to tuition and otherwise as the Trustees prescribe. Provided: That where the population of any one district is not sufficient, two or more

<sup>10</sup>George W. Emery, *Message to the Legislative Assembly of the Territory of Utah*, January 15, 1878.

<sup>11</sup>John R. Park, *First Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1896*, p. 38.

<sup>12</sup>Jacob S. Boreman, *Territorial School Report*, 1888-89.

<sup>13</sup>Jacob S. Boreman, *Territorial School Report*, 1890-91.

contiguous districts may unite in establishing and maintaining such high schools and upon such terms and in such a manner as they may agree.<sup>14</sup>

As was very often the case in permissive legislation in Utah's educational history, this law failed to provide for a systematic plan of high schools. In his 1896 report, Park declared the law was a complete failure because of the "voluntary" content of the statute rather than it being mandatory. At this particular time Park was diligently working for consolidation of the small school districts, which he maintained was the solution to this problem. Describing the existing situation and the remedy proposed thereto, he said:

There are so many little matters to be adjusted, so many local jealousies that can not be suppressed, so many suspicions that can not be allayed, that nearly every attempt at consolidation for the purpose of carrying on a high school has proved futile. It seems certain that until some consistent and uniform plan of union can be devised for the entire state, it will be impossible to establish and maintain high schools, no matter how great be the need of them.

This would mean consolidation of districts by legislative enactment. The entire experience of the state in this regard is but further proof that the county, and not the district as now constituted, is the most convenient, the most economical unit of school organization.<sup>15</sup>

By the close of the century there were no high schools in Utah, except in Salt Lake City and Ogden, and small struggling schools in several other communities. The status of these secondary schools at that time is described in the superintendent's report terminating June 30, 1900:

There are as yet but few high schools in the State though the interest in the subject is increasing each year and efforts are being made where there are large classes graduating from the eighth grade to add at least the ninth and tenth grades or the first two years of high school work. Since the pupils of all grades between the ages of six and eighteen years whether in primary, grammar or high school departments draw money it is comparatively easy to establish high schools in any town where the people are willing to have a heavy local school tax levied.

The high school in Salt Lake City is increasing in numbers and efficiency each year. The attendance last year was 668, the present year it is reported as 759. The corps of teachers numbers 22, many of them teachers of long and successful experience. The courses of study are given in the report of Superintendent Cooper of the Salt Lake City Schools.

Ogden has a very fine high school thoroughly equipped as to teachers and apparatus. The number of pupils in attendance last year was 316.

A high school has been started in Park City which promises to be very successful. The attendance last year was 40.

Brigham City, Nephi and Richfield, have high schools where the ninth

<sup>14</sup>Laws of the Territory of Utah, 1892, ch. 80, sec. 51a.

<sup>15</sup>John R. Park, *First Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1896*, p. 38.

and tenth grades are taught in connection with the grammar grades. The attendance at the first two number 65; at Richfield only 17; at Heber City a high school was started but was discontinued after a year for lack of funds.<sup>16</sup>

In the report two years later State Superintendent A. C. Nelson declared there were "but five public high schools in the State" in 1900. He further described the lack of high schools by saying, "Careful investigation showed that scarcely another State in the Union was so deficient in this part of its school system."<sup>17</sup> Within the two-year period following the turn of the century, Superintendent Nelson declared that there were nineteen public high schools "located at the following named places: Salt Lake City, Ogden, Park City, Brigham City, Draper, Sandy, Payson, Springville, American Fork, Lehi, Nephi, Eureka, Fillmore, Richfield, Moroni, St. George, Kanab, and Moab."<sup>18</sup> Nelson, like his predecessors, recognized the magnitude of the problem of establishing high schools in the small districts. It was apparent that the poverty in these small units of school organization would permit none but the meager ungraded schools with poorly paid teachers. Following statehood the law governing teacher certification was amended in such a way that high school teachers were required to hold state high school diplomas. This represented considerable training on the part of such teachers and hence an increased expense to the trustees. Superintendent Nelson called the attention of this situation to the legislature and in the following words explained the financial inability of the small districts to support high schools adequately.

Another adverse condition to the rural high school lies in the difficulty of securing revenue for its maintenance. The children of poor districts are entitled to the advantages of higher learning as well as those in districts with wealth at their command. But of this privilege they are and will be denied unless some additional means of financial assistance is given the district. If a county were but one school district, governed by a thoroughly competent Board of Education, the Board might say: We will establish and maintain a high school here, or we will have a high school there and it would be done. But if the consolidation of districts is not effected, then I am of the opinion that the State will have to lend support to the rural high school before it becomes a strong and permanent force in our commonwealth.<sup>19</sup>

Again in his report for the biennium ending June 30, 1904, the state superintendent declared that the "State is deficient" in high

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<sup>16</sup>Emma J. McVicker, *Third Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1900*, pp. 25-26.

<sup>17</sup>A. C. Nelson, *Fourth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1902*, p. 22.

<sup>18</sup>*Ibid.*

<sup>19</sup>*Ibid.*, p. 23.

schools.<sup>20</sup> Some of the county superintendents likewise urged the establishment of high schools. For example, Salt Lake County Superintendent, B. W. Ashton, in 1904, said, "The great needs of our county in fact of the entire State are proper high school facilities."<sup>21</sup>

One of the challenging problems confronting the University of Deseret following its reorganization in 1869 was the fact that practically no students of college grade were available in the territory, inasmuch as none had had high-school education. For many years the university reports indicate that the course of study was very elementary; hence during its first years of existence much of the instruction for the majority of students was not above the high-school level. "On paper" the university was an institution of collegiate grade. As it functioned it was a preparatory school of elementary and secondary level. It was not until the close of the calendar year of 1906 when the university president, reporting to the board of regents, said, "It is with pleasure that I can report that the University of Utah has made rapid advancement during the past two years. Students of college grade now out-number those of high school grade. . . ."<sup>22</sup>

*Progressive legislation leading toward establishment of high schools.*—The aspirations and hopes of educational leaders to secure legislation that would consolidate the small school districts and to provide ample revenue to operate schools of secondary level were only partially realized. Meager legislation did point the way for some training beyond the elementary level. In 1884 a permissive law was passed that allowed trustees to operate such schools. The act stated:

The trustees of any school district having a population of over twelve hundred when authorized by a majority vote of the property taxpayers resident in the district, present at a meeting called for that purpose, may establish and maintain a graded school, or a graded department in a school in such district, in which pupils may be instructed in higher branches of education than those usually taught in common schools, and pupils over eighteen years of age may be admitted to and instructed in such schools or department, on such terms as to tuition and otherwise as the trustees may prescribe.<sup>23</sup>

The law of 1896, which provided for a state school organization, incorporated the wording of the statute of 1890 and gave the

<sup>20</sup>A. C. Nelson, *Fifth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1904*, p. 11.

<sup>21</sup>*Ibid.*, p. 135.

<sup>22</sup>*Biennial Report of the Board of Regents, the President and the Registrar of the University of Utah for the Years 1905 and 1906*, p. 18.

<sup>23</sup>*Laws of the Territory of Utah, 1884*, ch. 30, sec. 1.



trustees of school districts having a population of more than 1500 the option of establishing a high school when authorized by a majority of the taxpaying voters.<sup>24</sup> Acting upon its constitutional powers, the legislature passed a law in 1897, providing improved means for the creation and support of high schools. As before, school districts with more than 1500 residents could give authorization to establish and maintain a high school. Likewise, as in the earlier law, two or more contiguous school districts were permitted to unite and form a high school district. In this law provision was made for a new high school administrative board. Upon the written request of the boards of trustees of the districts or of any ten legal voters from each district, the county superintendent of schools was required to issue notice of a meeting of the electors residing in the districts wherein the voters were to cast their ballot for or against the formation of a high-school district. In case such a new district was created, the county superintendent was again authorized to call a meeting for the purpose of electing two high-school trustees and deciding whether or not a special high-school tax could be levied. The rate of taxation was to be recommended by the county superintendent. The county superintendent was required to serve as president of the high-school board of which he and two elected members comprised the administrative personnel of the high-school district. The board was restricted to a tax of one-half of one per cent for support of the high school, but provision was made by which a special tax not to exceed two per cent per annum might be levied if approved by a majority of the qualified electors at a meeting called for that purpose. Likewise, authorization was given in this law for the high-school board to issue bonds for the purpose of purchasing a high-school site or constructing and equipping a building, if authorization were given by a vote of the electors. Permissive legislation was also enacted at that time to operate the high school during forty weeks in each year, and the school "may be free to all children of school age residing in the high-school district having such qualifications as may be prescribed by the board, or the board may collect such tuition from pupils as it may deem just."<sup>25</sup>

In 1901 the law was amended in such a way that the number of residents required to establish high-school districts was reduced from 1500 to 1000.<sup>26</sup> Such legislation, however, did little toward providing high schools. The poverty of districts with a population of 1500 prohibited the erection of high-school buildings and main-

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<sup>24</sup>*Laws of Utah*, 1896, ch. 130, sec. 64.

<sup>25</sup>*Laws of Utah*, 1897, ch. 49, secs. 15-22.

<sup>26</sup>*Laws of Utah*, 1901, ch. 82, sec. 1.

taining a school therein; hence it was obvious that the real need was to consolidate districts rather than reduce the number of inhabitants residing in a given district who may establish and support a school.

*City high schools.*—While some of the reports of the superintendents indicate that there were well-established high schools by the turn of the century, they were at best small and relatively ineffective. The law of 1890 eliminated the small district in cities of the first and second class and provided for consolidation. There-with the district became amply large to support high schools. At the close of the year of 1891, Ogden had sixty-eight students enrolled in high school and Salt Lake City had forty-eight. The year following, there were eighty-five in Ogden and 103 in Salt Lake City. Gradually, but consistently, the numbers increased in these two city districts. The first high school graduation class in Salt Lake City was in June, 1893. Six girls and four boys received diplomas on June 9 of that year.<sup>27</sup> By 1900 there were 316 enrolled in Ogden and 668 in Salt Lake City. In 1908, for the first time, Ogden had more than 100 students graduate from high school. That year there were 473 students enrolled in Ogden and 1225 enrolled in Salt Lake City. The holding power of both schools was becoming more effective. While Ogden's high-school enrollment was near 400 until 1904, fewer than thirty students per year had graduated preceding that time.<sup>28</sup>

Provo did little for public high-school education until after the high-school law of 1911 was passed. The Timpanogos Branch of the university, which was not beyond the level of a secondary school, was established there in April, 1870. In 1875 the Brigham Young Academy replaced the Timpanogos Branch and provided a high school which met the needs of the community for many years. In 1895 a public high school was established in Provo, but continued for less than one year.<sup>29</sup> On August 20, 1912, the board of education agreed "that a high school be established in Provo City,"<sup>30</sup> and provided plans to construct a building, employ teachers, and otherwise provide for the first years of secondary education.

While Logan was settled later than the other major cities of the first and second class in Utah, a special effort was made toward

<sup>27</sup>"Fifty Years of Public Education." *Board of Education Report, Salt Lake City, 1940*, p. 138.

<sup>28</sup>A. C. Nelson, *Seventh Report of the Superintendent of Public Instruction of the State of Utah for the Biennial Period Ending June 30, 1908*, pp. 275-281.

<sup>29</sup>J. C. Moffitt, *A Century of Public Education in Provo, Utah*. Provo, Utah, 1944, Chapter X.

<sup>30</sup>*Minutes of the Board of Education, Provo City, August 20, 1912.*

establishing a high school at a relatively early date. The success attending this school is largely accounted for by the fact that Logan did not create the many small school districts that were common to other cities. On December 10, 1872, at a board of trustees' meeting, "it was decided to establish a High School and for that purpose the Linquist Hall was rented for one year commencing December 16, 1872."<sup>31</sup> This school was organized and operated for a time, and on different occasions the county court was petitioned to give financial aid toward its maintenance.

Following the precedent set in 1875 when he granted deeds to property and otherwise provided for the creation and operation of the academy in Provo (which has since retained his name), on July 24, 1877, Brigham Young deeded to the board of trustees a tract of land south of Logan City. The rents and profits of this land were to be used for an institution of learning which was to be known as Brigham Young College. The board for the administration of the school was organized on August 7, 1877, and the college opened September 9, 1878. As in the case of Provo, this institution filled the existing need for schools beyond the elementary level in this community.

*Private schools of secondary level.*—Most of the colonists of Utah were Mormons, and while it was their hope to remain isolated from those whose religious beliefs differed from their own, it was only a short time until non-Mormons came to Utah to make permanent homes. The Mormons had purposely admonished the teachers to give instruction in the Mormon theology in the early schools. This procedure provoked the non-believer of that religion to discredit the Utah schools; and after their population increased sufficiently, induced them to establish their own schools. For several decades before, and in some instances following the turn of the century, the best and frequently the only secondary schools were those supported by the Mormon and other churches. The Protestant Episcopal church founded a school in 1867. Other denominations organized schools shortly after, and for a quarter of a century these schools were prominent. Twenty-two academies were established by the Mormon church between 1875 and 1911.<sup>32</sup> This cleavage in education was an expression of the religious antipathy existing in the territory at that time. It became so common in the

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<sup>31</sup>*Minutes of the Logan City Board of Trustees, 1872, p. 5.*

<sup>32</sup>M. Lynn Bennion, *Mormonism and Education*. Published by the Department of Education of the Church of Jesus Christ of Latter-day Saints, 1939, p. 147.



public schools that the territorial school reports made separate compilation of Mormon and non-Mormon children.

### GROWTH OF SECONDARY EDUCATION DURING THIS CENTURY

*Legislative influence on the high schools.*—It was apparent to all students of education in Utah that high schools could not exist in the small school districts established by the Legislative Assembly in 1852. The isolation and poverty of the people common to these first small units of organization precluded anything but a very elementary education. In 1890 city consolidation became a reality due to the school law enacted at that time. Shortly thereafter, high schools in Salt Lake City and Ogden began their initial stages of growth. As has commonly been the case in American education, the cities provided a pattern of organization and administration that could well be adopted by other units of school control. The urge for consolidation became vigorous. In 1905 a significant law was enacted for Utah. Each county, exclusive of cities, with a school population (children from six to eighteen years of age) of more than 3000 was designated "a county school district of the first class." These were placed on the same basis for consolidation as were the city school districts. Boards of education were elected and a superintendent appointed by this governing body to serve as an administrator for all schools in the enlarged district. The board of education was given authority "to construct and erect school buildings and to furnish the same, to establish, locate, and maintain kindergarten schools, common schools, consisting of primary and grammar grades, high schools, and industrial or manual training schools. . . ."<sup>33</sup>

With the enactment of this law, consolidation of schools within the counties was initiated and a new pattern of improved school organization and administration was provided. The advantages were soon recognized and the urge for consolidation of all counties was continued. On March 17, 1915, the statute was approved that made consolidation mandatory for all counties within the state.<sup>34</sup>

In 1907 an amendment to the existing law providing for high-school districts was passed,<sup>35</sup> but did little to further the progress of these schools. However, in 1911 the legislature amended the law controlling high schools, thereby improving the organization and providing a means of securing revenue. Each county within the state—except those counties which at the time comprised a

<sup>33</sup>Laws of Utah, 1905, ch. 107, sec. 21.

<sup>34</sup>Laws of Utah, 1915, ch. 78.

<sup>35</sup>Laws of Utah, 1907, ch. 51.



school district of the first class and cities of the first and second class—constituted a high-school district until sub-divided as provided by law. The county superintendent of schools was required to report to the county commissioners whether or not he thought the county should remain one high-school district or be divided into two or more high-school districts. After receiving his recommendations, the county commissioners were in turn required to designate a day for hearing the evidence for and against such division. Due publicity was to be given the issue and citizens were to be heard on the problem at the designated day for the hearing. If decision were made by the county commissioners to sub-divide the county into two or more high-school districts, provision was made for these districts to be organized and directed by a high-school board of education. This board was to "be composed of the county superintendent of schools, and any member of the board of trustees of each common school district within the high-school district, who shall be elected by the board of trustees of such common school district."<sup>86</sup> This high-school board of education was instructed to organize by electing one of its members as president and another one as vice-president. It was further stipulated that the board elect a clerk and a treasurer who were to give bonds to the board of education. After the organization was completed it was a requisite for this board to submit to the people the issue as to whether the high-school district should establish and maintain one or more high schools within the district; if more than one, then the number and the location of the schools were to be decided. The high-school board of education was given general administration of these schools. While somewhat adequate machinery was provided for by law in the 1911 act, the most important feature of the statute is the mandate to "direct to be assessed and collected annually a State tax of one-half mill on each dollar of valuation of the taxable property in the State, for high school purposes."<sup>87</sup>

*State influence on high-school education.*—The school revenue derived from this law has generally exceeded \$100,000 per year and for two years it has been in excess of \$160,000. The legislature did not plan the creation of this fund without simultaneously planning for its administration. This responsibility was given by mandate to the state board of education. The board was required to "fix the standard upon which, and the period during the year that,

<sup>86</sup>*Laws of Utah*, 1911, ch. 31, sec. 7.

<sup>87</sup>*Laws of Utah*, 1911, "An Act levying a state tax for high school purposes and providing the manner of appropriating the same," Ch. 29.

high schools in this State shall be maintained in order to obtain any part of the high-school fund."<sup>38</sup>

On April 17, 1911, the state board of education adopted the following resolution: "High schools desiring to participate in the apportionment of the State High School Fund must maintain school at least thirty-six weeks in each school year. . . ."<sup>39</sup>

On June 24, 1912, the state board of education made an apportionment of \$91,230.30, equaling \$20.90 per capita on a basis of high-school enrollment.<sup>40</sup> Obviously this amount of money coming from state source, following consolidation of city and the larger county school districts, was a great stimulus for growth.

The state board formulated regulations other than the length of the school term and pupil attendance at school; it provided a course of study and prescribed requirements for graduation from high school.<sup>41</sup> Some of the recommended courses were deviates from the more academic instruction. After one investigation by a committee, "The Board adopted the recommendations of the chairman that high schools offer among their elective subjects a course in road building, probably as part of the work in practical civics."<sup>42</sup>

The state board appointed a high-school inspector whose duty it was to make the necessary investigation to determine if high schools attained the standards set by the state board. This inspector visited the schools and reported to the board those which were "meeting the requirements set forth by the State Board of Education. . . ."<sup>43</sup> In those cases where high schools did not conform to state standards, and had not permission to make such deviation, the board "voted to withhold funds."<sup>44</sup> This stimulus given to local school districts made a significant contribution to the growth and general development of the high schools of Utah. During the first years of high school growth following the 1911 law, school board members were anxious to participate in these funds and claimed some classes were on a high-school level that were discredited by the state board. To clarify this issue, the board gave definition to a high school in the state as the following: "A high school includes four years' work immediately following the

<sup>38</sup>*Laws of Utah*, 1911, ch. 29, sec. 3.

<sup>39</sup>*Minutes of the State Board of Education*, April 17, 1911, p. 186.

<sup>40</sup>*Minutes of the State Board of Education*, June 24, 1912.

<sup>41</sup>*Utah Educational Review*, Vol. V (Oct., 1911), pp. 13-14.

<sup>42</sup>*Minutes of the State Board of Education*, December 1, 1915, pp. 258-9.

<sup>43</sup>*Minutes of the State Board of Education*, December 21, 1926, p. 441.

<sup>44</sup>*Minutes of the State Board of Education*, May 6, 1941, p. 228.

grammar department, commonly known as ninth, tenth, eleventh, and twelfth grades."<sup>45</sup>

*Acceleration of high-school enrollments.*—The influence of the statute enacted in 1911 may be noted by the increase in high schools, the number of students enrolled, and the number of high-school graduates shortly thereafter. As indicated above, the high-school movement began in the cities with consolidation, but by 1905 high schools were located in eight counties. In that year there were graduated seventy-six pupils from these high schools and 105 from the city high schools, making a total of 181 high-school graduates for the entire state.<sup>46</sup>

One year after the 1911 statute was passed the counties exceeded the cities in the number of graduates. The former had 215 and the latter 169 graduates.<sup>47</sup> By 1914 there were 7,441 pupils in high school and 640 graduates.<sup>48</sup> The state high-school inspector in 1913 reported that the growth of high schools for the preceding ten-year period in Utah had greatly exceeded that throughout the nation.<sup>49</sup> The 1913-14 Utah school report contains this statement: "In a little more than a decade the number of high schools has increased from four to forty and the enrollment of students from one thousand to eight thousand."<sup>50</sup>

Rapid growth in secondary education was not peculiar to Utah. Beginning in 1890 the number of high-school students in the nation more than doubled each decade until 1930. By 1910 strong organizations were opposing child labor in the growing American factories and improved child-labor laws were passed. Excluding urban children from work created a serious social problem when educational opportunities were not provided for these idle youth.

With the enactment of the high-school revenue-producing law of 1911 and the amendment to the state constitution a decade later providing \$25 from state sources per school child for all census enumerated children from six to eighteen years of age, inclusive, the major portion of cost for high schools was assured.

*Compulsory attendance law.*—It required time to convince all

<sup>45</sup>*Minutes of the State Board of Education, May 17, 1916, p. 271.*

<sup>46</sup>A. C. Nelson, *Sixth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1905*, pp. 10 and 17, (statistical division).

<sup>47</sup>A. C. Nelson, *Ninth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1912*, p. 31, (statistical division).

<sup>48</sup>A. C. Matheson, *Tenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1914*, p. 31 (statistical division).

<sup>49</sup>Mosiah H. Hall, "The Public High Schools of Utah," *Utah Educational Review*, Vol. VI (April-May, 1930), p. 53.

<sup>50</sup>Matheson, *op. cit.*, p. 24.

people that high-school education was necessary and desirable. School board members themselves were frequently skeptical about the advisability of children attending high schools, particularly when there might be work opportunities for the older pupils. The Utah legislature passed a progressive compulsory school attendance law on March 11, 1919. This act, in substance, required all children to attend school full time. Those who had completed the eighth grade and were between sixteen and eighteen years of age might be excused if they attended school a minimum of at least thirty weeks. Under certain restrictions absence might be granted for work purposes, providing the pupil attended a part-time school "at least 144 hours," and further providing that he be legally excused.<sup>51</sup> With but few exceptions this law as it has operated over the years of time has required all children to attend school full time until they graduate from high school or attain their eighteenth birthday. Children physically unable and mentally incompetent are excused. The effectiveness of this statute may be further noted by the fact that in 1940 over 86 per cent of all children in the state sixteen and seventeen years of age were attending school."<sup>52</sup>

The growth in high school attendance for twenty years of time beginning immediately before the enactment of the compulsory attendance law of 1919 may be noted from Table II.

TABLE II  
TRENDS IN GROWTH OF HIGH SCHOOLS IN UTAH OVER  
A TWENTY-YEAR PERIOD\*

Year Ending	Number of High-School Graduates	Per Cent Graduates Increased over 1918	Per Cent High-School Enrollment is of Total Enrollment
1918	930	—	9.16
1920	1,159	25	12.14
1922	1,674	80	15.97
1924	2,304	148	17.90
1926	3,073	230	19.00
1928	3,567	284	20.53
1930	4,358	369	21.52
1932	5,755	519	27.27
1934	6,689	619	29.13
1936	7,424	698	30.07
1938	7,555	712	30.33

\*Data derived from Utah School Report 1936-38, pp. 91-92.

<sup>51</sup>*Laws of Utah*, 1919, ch. 92, sec. 1.

<sup>52</sup>*United States Census*, 1940, Vol. II, Part 7, p. 26.



*Holding power of the high schools.*—During the earlier years of high-school history of Utah most of the pupils who attended did so for only one year. Another smaller group attended for two years, and still fewer attended three years. Many of the first schools of secondary grade included only the ninth, or at most ninth and tenth grades. This was due partly to the small demand for continued education until the full four years were completed. This situation has changed considerably during the interval from 1920 to 1940.

In 1920 there were 43,373 individuals in Utah from fifteen to nineteen years of age.<sup>53</sup> This age group had increased to 52,762 in 1930, and 58,220 in 1940. During this twenty-year period the young people of this age group increased 14,847, or slightly more than 34 per cent. Utah public high schools graduated 1,159 in 1920, and 8,125 in 1940. The increase in number of graduates was 6,966, which was an increase of 600 per cent.<sup>54</sup> The influence of the war upon the holding power of the high school was distinctly noticeable by 1944. In that year the number of graduates decreased to 7,073. Over 900 more girls than boys completed the twelfth grade during the school year of 1943-44.<sup>55</sup> And while the census enumeration was larger for the biennium ending in 1944 than at any other time in Utah's history, 9,594 children were not enrolled in school. This is the largest number of non-enrolled children of census age since the biennium ending in 1920.<sup>56</sup>

*The high-school course of study.*—The course of study in high schools in Utah has been essentially the traditional academic type centering around college-preparatory subject matter. The state's high rank in the per cent of high-school students continuing school following graduation from high school justifies, in part, this procedure. However, many have criticized the schools for failing to train youth more adequately for vocational pursuits. The socio-economy of any given period of time is reflected in the curriculum, which indicates the school's response to the changing order. This may well be noted by the influence of the war in the 1940 decade. Of approximately 32,000 pupils enrolled in 1942, there were 12,337 who were registered in science. In 1944, with a significant decrease in twelfth grade pupils, the number in science had increased to 20,536. In the former year, 10,338 were registered in mathematics,

<sup>53</sup>These particular ages are used because they are the nearest to the probable age of graduation and are those used in the United States Census.

<sup>54</sup>United States Census, 1940, Vol. II, Part 7, p. 20.

<sup>55</sup>Charles H. Skidmore, *Twenty-fifth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1944*, p. 234.

<sup>56</sup>*Ibid.*, p. 173.

and in the latter year, 16,466 were registered in that course. The enrollment in the more commonly taught courses in October, 1943, is shown in Table III.<sup>57</sup>

TABLE III  
ENROLLMENT BY SUBJECTS OF HIGH SCHOOL STUDENTS  
IN UTAH, OCTOBER, 1943

Subject	Enrollment
English .....	29,230*
Social Studies .....	26,172*
Physical Education and Health .....	24,076*
Sciences .....	20,536
Mathmematics .....	16,466
Commerce .....	16,288
Music .....	10,580
Industrial Arts .....	8,952
Home Economics .....	8,774
Agriculture .....	4,241
Art .....	2,304
Speech .....	2,095
Foreign Languages .....	1,495

\*Starred classes are required.

*Natonal movement.*—During the decade of the 1890's considerable study on the reorganization of secondary education was being done. American students caught a new zest for the proposed educational reforms of such European educators as Comenius and Rousseau of the seventeenth and eighteenth centuries. In 1888 President Eliot of Harvard made a notable address before the Department of Superintendence of the National Education Association. Four years thereafter, the now famous Committee of Ten was appointed, and in 1893 reported back on proposed alterations of secondary education. In 1895 the Committee of Fifteen, after two years of study and deliberation, made its report. In that same year the Committee on College Entrance Requirements was appointed and it in turn reported in 1899. Investigations continued until well beyond the turn of the century, but it was during these years before 1900 that secondary school reforms were analyzed and advocated by these study committees of national renown. Some schools (notably Richmond, Indiana, in 1896) were reorganized in the 1890 decade with seventh and eighth grades separately housed, and using a departmental plan common to the junior high school pattern which developed at a later date.

<sup>57</sup>*Ibid.*, p. 38.

The earlier recommendations were for a six-year secondary unit following the elementary school termination with the sixth grade. This was likewise the plan that was recommended by the state board of education for Utah as late as April 7, 1915.<sup>68</sup> It was at the close of the first decade of this century that the modern junior high school came into existence. In 1909 the school system at Berkeley, California, was reorganized into a six-three-three plan with a distinct junior high school. Los Angeles, California, and Grand Rapids, Michigan, usually considered among the pioneer cities with junior high school programs, were organized in 1911.

*Reorganization of secondary education in Salt Lake City.*—The Salt Lake City plan of school organization was six-three-three until 1925. Superintendent George N. Child convinced the board of education at that time that one year of schooling could be eliminated in that district by omitting all unessentials, maintaining a kindergarten unit, and extending the length of the school year to 180 days. Few other school districts in Utah at that time had kindergartens, and none held school so many days during a given year as did Salt Lake City. Graduates entered the university on the same basis as did others throughout the state who had received all of their education in districts with approximately a month less school time per year and without having kindergarten experience. Commencing with the 1925-26 school year, the new organization became effective. It was a seven-two-two, or a seven-four plan. The elementary school consisted of the first seven grades. Beginning with the eighth grade, the pupils under the new plan enrolled for all subjects that were previously in the ninth grade or the first year of high school. The first two years of work beyond the seventh grade were in reality junior high schools and were, until recently, called so. These schools were housed in separate buildings and were school units unattached to senior high schools.

In 1929 the senior high schools graduated two groups—one which had had eleven years; another twelve years of school, each exclusive of kindergarten. An examination was made of those portions of the two groups that went on to the University of Utah during the following academic year to determine any differences in achievement in college work after their completion of the course of study offered by Salt Lake City schools. The report of the investigation indicates that a high correlation exists between the first year of academic achievement at the university and the high-school

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<sup>68</sup>*Minutes of the State Board of Education, April 7, 1915, p. 243.*

marks, together with the psychological tests given to each student. The groups were separated according to the high school attended and were paired—eleven- and twelve-year students together. The highest achievement was made by one group which had eleven years of school before college entrance.<sup>59</sup>

In 1934 the secondary schools of Salt Lake City were again re-organized. The junior high schools became lower division high schools. Under this plan the high schools continued to operate in two general divisions. The first of these is the lower division high schools with a two-year program, and the upper division high schools, operating both a two- and a three-year course of study. The difference in time required and method of selection may be noted in the following description:

The high-school course is four or five years in duration, whichever time better meets the needs and interests of the individual student. In order for a student to take a five-year course, his parent must make the request before the close of the third semester of the upper-division high school. The request must be made through personal conference with the principal and must be approved by the principal.<sup>60</sup>

Maturity of the student, preference for college entrance or pre-vocational experience are essential factors in electing the two- or the three-year course.<sup>61</sup> A change of school superintendents in Salt Lake City in 1944 gave rise to an altered plan. Superintendent Howard McDonald advocated a return to the "twelve year" pattern. The new proposal has been approved and is being adopted.

*The junior high school movement in Utah*<sup>62</sup>.—While the re-organization of schools in Utah came slowly when compared to many places in the nation, still there was partial reorganization at Ogden at a relatively early date. After having experimented with this reorganized school for "a year and a half," Superintendent J. M. Mills in 1910 described this school under the principalship of Mr. D. H. Adams. The school was designated "Sub-High School." It was composed of the eighth grade pupils numbering between three and four hundred from all schools in Ogden brought together in one building. The faculty was composed of eleven teachers, selected because of their ability "for handling some one subject and

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<sup>59</sup>Arthur E. Arnesen, "Shortening Preparation for College Entrance," *School Review*, Vol. XLI, 1933, pp. 531-38.

<sup>60</sup>Ernest M. Hanson, "Secondary School Program of Studies," Published by Salt Lake City Public Schools, 1944, p. 4.

<sup>61</sup>"Educating Salt Lake's Children," *Forty-Seventh Annual Report of the Board of Education*, 1936-37, p. 23.

<sup>62</sup>For a more detailed description refer to John T. Wahlquist, "The Junior High School in Utah," Master's Thesis, University of Utah, 1925.



departmental work." Some of the advantages found in this school indicate justification for the junior or reorganized school. Superintendent Mills declared:

To handle this same number of pupils at the various buildings, some classes being too large and others too small, it would take about six teachers more than where they are consolidated, some of whom would have two divisions—A and B—in the same room. At present one teacher can devote his entire period with one division of about thirty pupils in his own choice of subjects instead of spending part of the time on subjects in which he is not interested. The pupils get the benefit of taking each subject under an enthusiastic convert to that subject. In addition to these two sides—efficiency and economy—the sub-high school serves to bridge the gap between the grades and the high school.<sup>63</sup>

This new school unit was thought by Superintendent Mills to be unusually successful. In the fall of 1912 the seventh grade pupils were added and three junior high schools were created. These were known as the North Junior High School, Central Junior High School, and the South Junior High School.<sup>64</sup> These three school buildings were equipped for manual training, sewing, cooking, art and music instruction, in addition to the other academic subjects customarily taught at this level.

Salt Lake City began a plan of reorganization of some schools as early as 1910. This was referred to as a "Preparatory School," but was essentially a "higher eighth grade."<sup>65</sup>

Regardless of the initial effort to establish a junior high school organization, it took some time in Utah to convince those responsible for the administration of the schools that this new school unit had special value. Educational leaders were unfamiliar with the general characteristics of this school. Due to the availability of state high school funds, the state board of education was forced to give some thought and attention to it. For considerable time this body attempted to define an acceptable secondary school. On May 6, 1914, the state board had a committee report on the "meaning" of the different school levels. This report stated: "The pupils in a Junior High School shall be classified as grammar grade and high school students and only those that have completed successfully the prescribed eighth grade work and so listed on the records shall be classified as high school students."<sup>66</sup> Some district school boards evidently assumed that they could receive state revenue for what

<sup>63</sup>A. C. Nelson, *Eighth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1910*, pp. 340-41.

<sup>64</sup>A. C. Nelson, *Ninth Report of the Superintendent of Public Instruction of the State of Utah, Biennial Period Ending June 30, 1912*, p. 244.

<sup>65</sup>*Ibid.*, p. 230-31.

<sup>66</sup>*Minutes of the State Board of Education, May 6, 1914*, p. 228.

they might term a junior high school, although the school in reality was the traditional eighth grade. Mosiah Hall, acting as state high-school inspector, reported on May 5, 1915, to the state board that until the beginning of that school year there were some so-called high schools that had not changed the school pattern from the eighth grade and no ninth grade existed. However, beginning with that year, he declared that "There are no junior high schools in the state so far as I can learn that are not offering at least ninth grade work in addition to the other customary grades."<sup>67</sup>

In 1916 Inspector Hall wrote a brief description of the modern junior high school and described its growing popularity. Among other things, he said:

It provides in most cases a sufficiently large number of students to make possible the group spirit; it makes possible and necessary departmental teaching; it permits a longer period of class recitation in which supervised study is a necessity; fewer subjects per day are taken by the student, thus insuring more intensive study; a much more definite organization of subjects and of subject matter is made possible. The pupils especially like the new arrangement and wherever an expression of opinion has been taken, in no case has the vote been in favor of returning to the old condition; and finally, the gulf which formerly separated the eighth grade and the high school is successfully bridged.<sup>68</sup>

Hall asserted that the growth of the junior high school movement between 1914-16 "has been almost phenomenal. In nearly every district in the state one or more junior high schools may be found."<sup>69</sup> In spite of this claim for the rapid growth of the junior high school in Utah, its development has been slow. Almost without an exception, the state school reports up to the 1930 decade describes the growth as rapid, but likewise submit facts which indicate that this expansion has come about slowly. In 1918 a rather complete course of study was described for the junior high school and at that time the state course of study committee declared: "The seventh, eighth, and ninth grades, no matter where found or how constituted, should be organized as far as possible on the junior high school plan."<sup>70</sup>

By 1920 Mosiah Hall said that while junior high schools were increasing rapidly, they were "dominated by the senior high schools" and were not free to make a significantly worthwhile educational development.<sup>71</sup>

<sup>67</sup>*Minutes of the State Board of Education, May 5, 1915, p. 245.*

<sup>68</sup>E. G. Gowans, *Eleventh Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1916, p. 67*

<sup>69</sup>*Ibid.*

<sup>70</sup>E. G. Gowans, *Twelfth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1918, p. 54.*

<sup>71</sup>L. J. Muir, *Thirteenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1920, p. 50.*

The state school report for 1924 gives a brief history of the junior high school development in Utah and enumerates the objectives of this secondary school. It then states that "There are in reality few, if any, standard junior high schools in the state outside of the cities of the first and second class."<sup>72</sup>

In 1926 Loftor Bjarnason, state supervisor of grammar grades and junior high schools, described the aims of the junior high schools and briefly depicted the development that had been made in Utah. His concluding explanation of the retarded growth is significant:

It is obvious that schools meeting the full requirement of this definition can be organized only in city districts having a comparatively large and condensed population, or in such districts as can provide adequate transportation of these grades to consolidated and centralized schools. Even in a state such as ours, fortunate as it is in its form of community organization, it will be a long time before junior high schools of the type mentioned above can be maintained in every city, village and rural community.<sup>73</sup>

In the following report, however, Mr. Bjarnason said, "It . . . gives me pleasure to report that considerable improvement has been made in the organization of junior high school work,"<sup>74</sup> and in 1930 this same state school official gave a report that was significant in the progress made in this unit of school organization:

Within recent years marked improvement has been made in the organization of junior high schools. In 1924 an investigation revealed that there were in the State 25 schools that by a liberal interpretation of junior high school standards could be counted as junior high schools. Of these 13 were located in the cities of the first and the second class and 12 were located in the larger cities of seven county districts. Accepting the same definition there are now in 1930, 105 junior high schools in the State. Of this number 15 are located in the cities of the first and second class and 90 are distributed among 28 of the 35 rural districts.<sup>75</sup>

The state school report terminating June 30, 1944, states, "There are only six school districts in Utah which have not established some form of a junior high school program for the seventh, eighth, ninth and sometimes tenth grades."<sup>76</sup> However, this does not mean that all but half a dozen districts have a junior high school as such, including grades seven, eight, and nine, and housed sep-

<sup>72</sup>C. N. Jensen, *Fifteenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1924*, p. 29.

<sup>73</sup>C. N. Jensen, *Sixteenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1926*, p. 59.

<sup>74</sup>C. N. Jensen, *Seventeenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1928*, p. 101.

<sup>75</sup>C. N. Jensen, *Eighteenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1930*, p. 41.

<sup>76</sup>Skidmore, *op. cit.*, pp. 33-34.

arately and taught by a teaching corps whose full-time instructional services are utilized in these grades. The same report further states "More than fifty per cent of the districts have junior high schools organized on the 3-3 plan, and some districts are building modern junior high schools . . . where the seventh, eighth and ninth grade children are brought together and educated in a junior high school program of education."<sup>77</sup> In addition to the six-three-three plan of organization in Utah in which the pupils of grades eight, nine, and ten are administered as one unit, there are a number of modified patterns of organization in these grades, such as: six-six, six-four-four, six-two-four, six-four-two, seven-two, four-eight, seven-three-three, six-three-two, nine-one-two, and ten-two.<sup>78</sup> This most recent school report offers criticisms of the junior high school program within the state because of an absence of a "clearly defined philosophy of junior high school needs," and the lack of specific requirements for certification of junior high school teachers as such.<sup>79</sup> At the present, teachers are certified as elementary and secondary, and those who teach in grades seven, eight, and nine, are in one of these two groups; but most junior high school teachers are trained and certified for high-school instruction.

Relatively little reorganization continues in Utah at this time. The interim since junior high schools have been known, both in Utah and the nation, has been sufficient to permit reorganization, if the administration thinks there is any advantage to the newer plan. As indicated above, the community life in Utah, the consolidated plan of school organization, and the extensive use of transportation, have aided in the establishment of the junior high schools. The growth of this lower division of secondary education is listed as one of the significant milestones of educational progress in the twentieth school report (1934), and has increased the holding power of the schools of the state.<sup>80</sup> This is undoubtedly partially true, but other social and economic factors are likewise important variables that have contributed thereto.

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<sup>77</sup>*Ibid.*, p. 34.

<sup>78</sup>*Ibid.*, p. 35.

<sup>79</sup>*Ibid.*, pp. 34-35.

<sup>80</sup>Charles H. Skidmore, *Twentieth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1934*, pp. 5-6.



## CHAPTER XII

### THE DEVELOPMENT OF CONSOLIDATED SCHOOLS

#### THE SMALL SCHOOL DISTRICT ORGANIZATION IN UTAH AND IN THE NATION

*Current plan of organization.*—Utah has forty school districts in the twenty-nine counties of the state. Five of these are in cities of the first and second class and are co-terminous with the city boundary lines; hence they are “separate and apart from the counties in which they are located.”<sup>1</sup> In each county where a city school district exists, therefore, there is more than one district within that county. In Cache County there are Logan City and Cache County school districts. In Salt Lake County there are Salt Lake City, Murray City, Granite, and Jordan school districts. In Weber County, as in Cache County, there are the Ogden City and the Weber school districts, and in Utah County there are Provo City, Nebo, and Alpine districts. Some of the counties are divided without the division resulting from city schools, such as Park City, North Summit and South Summit, Juab and Tintic, North Sanpete and South Sanpete. The remaining districts are co-terminous with the county boundary lines, these are: Beaver, Box Elder, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Kane, Millard, Morgan, Piute, Rich, San Juan, Sevier, Tooele, Uintah, Wasatch, Washington, and Wayne.

The forty school district organizations have been completed since the turn of the century and grew out of the former small school district pattern that was common in Utah for more than half a century.

*The small district plan of school organization.*—The small school district, first commonplace in New England, was the pattern of school organization that was adopted by the pioneer as he began the trek westward across the northern portion of the nation. When sufficient growth had taken place in the expanding towns along the north Atlantic seaboard so that it was inconvenient for all children to attend the original town school, the district evolved. Local districts, both in New England and in the westward expansion, were an expression of the ideology that characterized the

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<sup>1</sup>School Laws of the State of Utah, 1945, 75-9-5.

emerging democratic form of government following the war of the Revolution. This ideal of the people received new impetus in the changing political economy that displaced restricted land and religious voting qualifications with universal white male suffrage and majority rule. Because of the social and political theory that the common man must assume an intelligent participation in the various units of government, new justifications for the perpetuation and extension of the small district school arose as the undeveloped land of the federal government was settled by homesteaders.

Small schools existed by law in Massachusetts from the eighteenth century, but their greatest development took place as the American pioneer established his home in the West. The determination of the settler to have a school within walking distance of his residence, and to have his children enjoy what he considered the opportunities of an education, tended to establish firmly the pattern of the small school district in the United States. This entrenchment of the small unit of control may be noted by the fact that although the trend is toward increased consolidation of small schools, there are at present approximately 127,000 school districts in the forty-eight states of the nation, and in 1938 there were more than 131,000 one-teacher schools.<sup>2</sup>

*The small district in Utah.*—The first settlers of Utah came from the New England States and brought with them the pattern of school organization that was familiar to them. From 1847 until the early part of 1852, no educational organization established by civil law existed. Schools were private, semi-private, or public—in the sense that the public might attend under given conditions—and started or terminated almost at will of the instructor. On March 3, 1852, the Legislative Assembly passed an act that required the county courts to divide the several counties into school districts, and to cause to be elected three trustees by the qualified voters of the district. These trustees were to provide a suitable school building and in a very general way to “superintend the school in their respective districts.”<sup>3</sup>

The small school district became well established in Utah following the enactment of this law. The territory, with the exception of Salt Lake City, was extremely rural and the settlements were widely scattered. The United States census of 1850 reports that there was a total of 11,380 people living in the eight counties

<sup>2</sup>W. H. Gaumnitz, *Are the One Teacher Schools Passing?* Pamphlet No. 92, p. 5, United States Office of Education, Washington, D. C.

<sup>3</sup>*Laws of the Territory of Utah, 1852, sec. 2 of "An Act in Relation to Common Schools."*

of Utah and 2,035 "scholars during the year."<sup>4</sup> Compiled school reports were either not kept or are not available for the earliest years in Utah, but an analysis of the figures during the years that followed the initiation of this organization shows that the school district was small for more than one-half century.

TABLE IV  
TRENDS IN GROWTH IN EARLY UTAH SCHOOLS

Year	Number School Districts	Number Schools	Number Teachers	Number Children Enrolled	Average Number Children Per School	Per Cent Children Enrolled
1862	76	62	102	3,824	62	50
1863	108	132	162	6,163	47	53
1864	144	120	151	6,477	54	54
1865	179	164	225	8,959	55	54
1866	180	199	247	10,412	52	54
1867	186	226	306	12,539	55	58
1868	187	219	298	12,516	57	56
1869	189	243	342	15,100	62	62
1871*	223	268	358	16,992	63	59
1873*	202	251	355	16,070	64	58
1874	224	262	404	17,914	68	54
1875	236	296	458	19,278	65	54

\*Data for previous year not available.

Table IV indicates the trends in growth in the number of school districts and the average size of schools in number of pupils.<sup>5</sup> Three different years there were more school districts than schools. From 1862 to 1875 the average number of children enrolled per school varied from fifty-two to sixty-eight. Additional evidence indicates that the actual number of children in attendance was relatively small when compared to the number enrolled. All trends toward increasingly larger numbers are in general the same; that is, as the number of children, teachers, and schools increased, the number of districts, likewise, tended to increase. In 1863 and 1864 there were more than eighty per cent as many schools as there were teachers. By 1888 Utah had 344 school districts with 460 schools.<sup>6</sup> Beginning at that date in educational history the trend in the number of school districts did not increase at the same rate

<sup>4</sup>United States Census, 1850, p. 182, Public Documents, Washington, D.C.

<sup>5</sup>O. H. Riggs, *Territorial School Report, 1874-75*.

<sup>6</sup>Jacob S. Boreman, *Territorial School Report, 1888-89*.

as the number of schools, the number of teachers, or the number of pupils in school. In 1893 there were 342 school districts and 893 schools.<sup>7</sup>

### EDUCATIONAL LEADERS RECOGNIZE THE INADEQUACY OF THE SMALL DISTRICT

*Problems incident to the small district which led toward consolidation.*—The territorial superintendents' reports for many years depict certain problems that existed because of the small district plan of organization and the desultory attitude of the school trustees in performing their educational duty. In his report for 1866 the territorial superintendent complained about the "apathy and indifference [that] exists with trustees."<sup>8</sup> Year after year this lack of interest shown by the trustees worried the territorial school chief. In his report to the Legislative Assembly dated January 19, 1870, Superintendent Campbell again said, "The dilatoriness of school Trustees in furnishing the statistics of their district is a fruitful source of complaining and renders it impossible for the County Superintendents to report at the time required by statute."<sup>9</sup>

The inefficiency of the administration of the local trustees and the improved condition that might be expected to result from the establishment of boards of education and the employment of a superintendent to serve the board as an executive was foreseen by Superintendent Campbell in his report for the year of 1871. In this he asserted:

It is maintained by some of our educators that the Trustees in cities should be relieved by Educational Boards, whose Secretary should be City Superintendent.

County Superintendents universally complain of the laxity of Trustees. . . . If aught can be done by legislation to increase the efficiency of Trustees it would certainly be a blessing to the school interests, for upon these officers who are immediately connected with the schools much depends.<sup>10</sup>

The inadequacy of the large number of small districts, particularly in the larger centers, was known for many years preceding consolidation. In the biennial report for 1872-73 Campbell said, "It is the opinion of the Superintendent that Salt Lake, and perhaps other cities, should have a city school system. . . ."<sup>11</sup> The village pattern of the Utah communities from an early date was

<sup>7</sup>Jacob S. Boreman, *Territorial School Report*, 1892-93.

<sup>8</sup>Robert L. Campbell, *Territorial School Report*, 1866.

<sup>9</sup>Robert L. Campbell, *Territorial School Report*, 1870.

<sup>10</sup>Robert L. Campbell, *Territorial School Report*, 1871.

<sup>11</sup>Robert L. Campbell, *Territorial School Report*, 1872-73.



conducive to consolidation of schools, and if larger central schools had been provided it would have greatly enhanced the educational program. This fact was well analyzed by Territorial Superintendent O. H. Riggs in the biennial report for 1874-75:

The cities, towns, villages, and settlements of our Territory are well adapted for the establishment of the system of graded schools. Places that now have two, three, four or five small school houses, and as many mixed schools in which but little comparatively can be accomplished, should have but one large commodious public school house in a central location, and containing a sufficient number of rooms that all the children of the place could be admitted into the grades for which they are qualified. I, therefore, earnestly recommend the adoption of this system throughout the Territory, wherever consistent with the school population, not only as a matter of accommodation to all the children, and a security to their much more rapid advancement, but also as a matter of economy. . . . By the adoption of this system, our entire school population could be instructed in the graded schools at but little more expense than we now have to educate forty-five per cent.<sup>12</sup>

The efforts of the territorial superintendents were almost continuous in their attempts to obtain larger school districts. In the biennial report for 1880-81, Superintendent L. John Nuttall described the imperfect small district, and urged larger units of control that "would naturally lead to county organization. . . . We are convinced that a plan making each county, a district, with a board of five or six trustees, would give us a much more effective school system; such a plan has many arguments in its favor and is worthy the consideration of our legislature."<sup>13</sup> Within this same report Superintendent Nuttall described the desires of some of the territorial residents to have the small districts even smaller and thence he again depicted the dangers therein:

We found a disposition in some places to divide up the school districts for insufficient cause; nothing can be more detrimental than this, to any scheme of gradation, to effective supervision or, in fact, to organization. Some who favor such division seem to think they must have the school at their immediate door. This can not be accomplished in our sparsely settled school districts, and yet have good schools. One thing or the other must be sacrificed.<sup>14</sup>

Before the mid-point of the 1880 decade some of the school districts were consolidating for the purpose of securing graded schools with the other advantages incident thereto. In the 1882-83 territorial school report, Superintendent Nuttall said,

I am pleased to report that in view of these circumstances [the need for graded and advanced schools] the school officers and teachers, in many of the

<sup>12</sup>O. H. Riggs, *Territorial School Report*, 1874-75.

<sup>13</sup>L. John Nuttall, *Territorial School Report*, 1880-81.

<sup>14</sup>*Ibid.*

old districts and counties of the Territory, have been laboring in the gradation of work in the school room, as also in consolidating the districts in towns and cities; thus being enabled to use some of the district school houses for classes in primary, mixed and advanced grades, and showing the great necessity for high, graded and preparatory schools in close proximity to their homes.<sup>15</sup>

*John R. Park on consolidation.*—One by one the territorial superintendents urged increased consolidation of schools, describing in some detail the educational advantages that would accrue to the children of the state if such an organization could displace the small district pattern that within forty years of time had become deeply entrenched in the educational thinking and practice of the people. Perhaps the most effective exponent among the earlier educational leaders was the first superintendent of public instruction following the admission of Utah into the Union. His report, written for the school year ending June 30, 1896, is very extensive in an analysis of the existing problems resulting from the small school unit. His plea for the consolidation of districts justifies the acclamation of John R. Park as the father of consolidation in Utah. Only a portion of his argument can be included herein. He declared:

The unit of organization in the common district system is too low, that is, the school district as it now exists is too limited in territory and school population and in the means of establishing anything like gradation. Whatever has been attempted in this direction, even in the largest districts, has met with but indifferent success, and in most cases with absolute failure. . . . Utah has no progressive system of instruction for her public schools. Each district, small as it may be in territory or population, is independent of all others and in its school work seemingly without purpose beyond its own limited boundary lines. In many districts the children meet for a short time each year in the capacity of a school. The school draws the allotment of public funds that fall to its share, and when this is exhausted the school collapses with scarcely a record of the work done. In a multitude of such temporary and isolated efforts to keep school there is nothing that merits the name of system. There can be neither aim nor ambition for pupil or teacher for something better beyond, for there is nothing else provided. The fact is we are forced to contemplate in the present aspect of our schools several hundred districts, fragments indeed, congenial in their elements and in their condition of possible harmony, but with no bond of union to effect their concerted action. In all this there is matter for grave concern, since one of the chief objects of all this machinery and mighty expense in maintaining our public schools is never attained. With the county, however, as a unit in organization and administration all this will be remedied. The multitude of school officers will be reduced to a minimum, and this minimum will consist of the most practical and efficient persons for the position in the county. Schools and school houses will be located with reference to the greatest economy and convenience, and the children of the

<sup>15</sup>L. John Nuttall, *Territorial School Report*, 1882-83.

whole county classified according to their scholastic attainments. Here at once is the basis of gradation, and carried to the doors of every citizen of the state. Here is the standard for primary and intermediate schools in every county and for high schools when that extent of gradation shall be needed. The primary schools will be most numerous and will be located where they will be most easily accessible for those who attend them, regardless of arbitrary district lines. Intermediate schools will be for older pupils of higher attainments, who may be required to travel further to reach their schools, which they can do. When high schools shall be necessary, they can be located at the most accessible and eligible parts, which in most cases can be reached daily by the pupils from home. . . .

It may be objected that the rural population of the counties is not sufficiently compact to make possible such a scheme of classification of the schools and children. . . . Should the population be so scattered, as may be the case in some parts of the state, that the distance to reach school is too great for some of the pupils, the plan of carrying the children to school in carriages or public vehicles could be adopted. . . .<sup>16</sup>

At this point in his argument Dr. Park presented the issue under several headings. As in the instance of other educational leaders, Park thought the advantages of gradation were outstanding under the one plan and impossible under the other. He suggested one advantage of consolidation was its simplicity, and used Salt Lake County to illustrate this point. With his proposed plan there would be five trustees "in contrast with 108." Park maintained that it would provide for better teachers and teaching services. Under the caption of "cost" he declared that "the cost will be much less in proportion to the efficiency attained." Much of this curtailment would be through eliminating from the school payrolls the great number of school trustees. Also he said "expenses would be curtailed through the opportunity the board would have to purchase necessary articles for the entire county at wholesale." Last, but not least important to Park was the problem of "Uniform taxation." He declared that the wealth from district to district within the counties varied by a ratio of more than ten to one and pictured the advantages of having the county serve as the unit for taxation for financial support.

Park gave a summary of his argument under twenty-four statements. These are as basic today as they were before the turn of the century when this pioneer educator penned them. They pertain not only to Utah preceding consolidation, but currently to every state perpetuating the small unit for school control.

1st. The county system would secure just as many schools as the necessities of the community demand, each being an integral part of the one

<sup>16</sup>John R. Park, *First Report of the Superintendent of Public Instruction of the State of Utah, for the School Year Ending June 30, 1896*, pp. 20-21.

central organization, and at the same time would meet the wants of the particular locality in which it is placed.

2nd. It would dispense with a large number of school officers.

3rd. It would allow school officers a compensation for their services if necessary, as their number would be greatly reduced, and they would thus afford to spend time and labor in the interest of the schools.

4th. It would establish a more uniform rate of taxation.

5th. It would simplify the school law, and it would thus be better understood and better executed.

6th. It would furnish more uniform and equal advantages to every child and citizen.

7th. It would allow a child to attend where his own interest would be best subserved.

8th. It would prevent strife about district lines.

9th. It would diminish the aggregate expenditure for schools.

10th. It would secure a more efficient system of school inspection and supervision.

11th. It would secure permanency of supervision.

12th. It would secure permanency of teachers.

13th. It would secure a better class of teachers.

14th. It would secure better compensation to competent teachers and less employment for incompetent ones.

15th. It would secure better school houses and keep them in better repair.

16th. It would secure better furniture, apparatus and other school appliances, and secure a good public library for each county.

17th. It would enable each county to establish a system of graded schools.

18th. It would result in more uniform methods of teaching, hence greater progress would be made.

19th. It would secure better records and more reliable statistics.

20th. It would prevent nepotism generally, that is, it would secure employment of fewer nephews, nieces, sisters-in-law and objects of charity.

21st. It would insure greater interest on the part of the community in each school.

22nd. It would unite all the school interests of the county and of the state towards one common end.

23rd. It would give aim and purpose to each school, to every teacher and to every pupil.

24th. It would encourage legitimate ambition and competition among the pupils of the same school, and among those of different schools.<sup>17</sup>

Park concluded his argument by once more reiterating that the proposed system of consolidation would be economical and at the same time would add greater efficiency. He gave assurance to the people that the opinion possessed by some that such a plan would "take the government or control of the schools out of the hands of the people" was erroneous.

<sup>17</sup>*Ibid.*, pp. 24-25.



In his biennial report of 1898 Superintendent Park again vigorously urged the attention of the legislature toward the problem of county consolidation of schools. He declared "the evils of the present [district] system and the necessity for consolidation. . . . are even more apparent now than they were two years ago."<sup>18</sup> Park criticized local trustees for their petty jealousy and their desire to retain control of the schools even though it involved a sacrifice of the effectiveness of the educational program. The new state law of 1896 gave local trustees the authority "to admit to the schools in the district pupils from other districts when it can be done without injuring or overcrowding such schools."<sup>19</sup> This was a recognition of the need for consolidation, but a weak attempt to correct the disadvantages of the small district.

*Van Cott and others support consolidation.*—Park was not alone in condemning the small district system of school organization. Some of the county superintendents gave support to the claims he made for the large district unit. Superintendent Van Cott of Salt Lake County emphasized the extreme inequalities of the school districts. The length of the school year varied greatly within a given county, and taxes were paid at divergent rates. Van Cott declared:

High schools are needed. No single district could maintain one, and local interests prevent the union of two or more districts in the establishment and support of such institutions.

In union we shall find not only strength and high schools, but better buildings, better furniture, better apparatus, and the cost of all supplies will be lessened by the difference between retail and wholesale prices.

I recommend, therefore, a school bill providing for the consolidation of all districts in counties like Salt Lake County into a single district, whose schools are to be maintained and controlled by a board of education.<sup>20</sup>

#### CITY SCHOOL CONSOLIDATION LEADS TOWARD ELIMINATION OF SMALL DISTRICTS

*Logan organized as one school district.*—Historically, Utah has been, and still is, a state of towns and small cities. Exceptions to the small district system, however, may be noted. Logan schools, for example, from an early date were under a single board of education, and at that place developed what was probably the nearest a consolidated organization of schools of any of Utah's earlier cities.

<sup>18</sup>John R. Park, *Second Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1898*, p. 26.

<sup>19</sup>*Laws of Utah*, 1896, ch. 130, sec. 55.

<sup>20</sup>John R. Park, *First Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1896*, p. 14.

The counties of which Salt Lake City, Ogden, and Provo are a part, as well as other counties, each complied with the act of 1852 and established the small district pattern before Logan came into existence. The first Cache County settlement was not given location until April 4, 1857. On January 17, 1866, Logan was given boundary by the Legislative Assembly. Schools were limited in Logan through the 1860 decade. On October 23, 1871, the city council appointed Moses Thatcher, C. O. Card, and H. R. Cranney to draft an ordinance that would provide a school organization for Logan. Several meetings were held by the school committee and the city council, and on January 28, 1872, a committee was appointed and given instruction to draft an ordinance that would organize "Logan City into one School District."<sup>21</sup>

During the same year an ordinance was passed by the city council that created all of Logan City "into one school district, embracing the corporate limits thereof, and subdivided into school wards, corresponding in number and boundary with the several wards."<sup>22</sup> The ward boundary lines had little or no significance other than to determine the school that children might attend, inasmuch as the schools were all operated under one unit of administration. The same ordinance that made provision for the creation of the single school district provided for the election of three trustees who were to serve as the administrative body of the school district. The trustees were given control of all school money, but were not fiscally independent of the city government. They were required to report to the city officials on the first Monday in December of 1872, and annually thereafter, giving an account of all expenditures and improvements.<sup>23</sup> Charles O. Card, Alvin Crockett, and Robert Davidson were elected the first Logan School District trustees, and Charles C. Hurst was appointed their secretary and treasurer. The city officials levied a school tax of one and one-fourth per cent for the operation of the schools and the school year was established as three months per term and three terms per school year.<sup>24</sup> Because of her early start in a city-wide school organization, Logan avoided many of the problems common to the small district that emerged in Salt Lake City and Ogden before consolidation of the cities of the first and second class in 1890.

*City consolidation law of 1890.*—Some of the other towns learned the advantages of graded schools. Partial consolidation

<sup>21</sup>*Records of the City of Logan, 1872, pp. 65-66.*

<sup>22</sup>*Revised Ordinances of Logan City, 1877, p. 72.*

<sup>23</sup>*Ibid.*, p. 73.

<sup>24</sup>*Record of Minutes of Logan City Schools, p. 5.*

for some of the cities existed early in the 1870 decade. In 1890 the Legislative Assembly passed an act that facilitated the services of the schools of the state and made consolidation mandatory for the cities of the first and second class.<sup>25</sup> The school district and the city limits became coterminous and were placed under the control of a board of education.<sup>26</sup> The law prescribed the procedure for the election of board members and for the organization and duties of the board. Among other things leading toward an improved and modern educational program, this law required the board to "elect a superintendent of district schools who shall not be a member of the board and who shall hold his office for the term of two years and until his successor is elected and qualified."<sup>27</sup> The law further specified that "the superintendent shall have charge and control of the district schools of the city, subject to the order, rules, regulations, and by-laws of the board of education."<sup>28</sup> The act made provision for the election of a clerk by the board of education, which person may or may not be the superintendent of schools.<sup>29</sup> The city board was required to organize itself into an administrative body and become "a body corporate under the name of 'The Board of Education of the City of .....'"<sup>30</sup> By law the district trustees were required to turn over to the city board of education all school property and thus emerged the city school organizations under a consolidated plan, with all the major duties and privileges for carrying on the administration of a modern school system.<sup>31</sup>

The school law of 1890 did two important things for consolidation in Utah schools: first, it eliminated the small districts in all cities of the first and second class and substituted a modern organization in which a board of education could administer the schools; and second, it created for the counties of the territory an example of the increased advantages resulting from the consolidation of districts into one school unit sufficiently large to provide wider educational offerings with added efficiency and equality, and at less expense. The city schools, therefore, paved the way for the consolidation of school districts throughout the several counties.

*Consolidation in the 1870 decade.*—Early county courts spent considerable time in the creation of school districts as a result of

<sup>25</sup>*Laws of the Territory of Utah*, 1890, ch. 72, art. 15.

<sup>26</sup>*Ibid.*, sec. 100.

<sup>27</sup>*Ibid.*, sec. 105.

<sup>28</sup>*Ibid.*, sec. 109.

<sup>29</sup>*Ibid.*, sec. 105 and 109.

<sup>30</sup>*Ibid.*, sec. 114.

<sup>31</sup>*Ibid.*, sec. 114-118.



the petitions of the people. While the earlier laws were silent on consolidation of districts, the court did "alter" school district boundary lines from time to time before specific statutory right was given to unite these districts. For example, the Weber County Court on December 3, 1860, altered the "6th school district" as a result of petitions from the people residing therein. On June 6, 1864, the same county court changed the boundary line of the Central School District.

By 1865 the territory had 179 school districts in seventeen counties. Salt Lake County had thirty-five districts; Cache had twenty; Utah, seventeen; Weber, fifteen; Washington, twelve; Davis, eleven; and Morgan and Sanpete each had ten. A few educational leaders recognized the extreme inadequacy of the small district and urged a legal method of consolidating the districts when the "public good" so required. On January 19, 1866, the Legislative Assembly passed an act stating that "the county courts are hereby empowered to change the boundaries of School Districts, or consolidate two or more into one, if the public good require." Not only did the courts have permission to consolidate districts within the counties, but the same act gave them power to consolidate districts in adjacent counties "by the mutual agreement of the county courts of such counties."<sup>32</sup>

Following the enactment of the 1866 law some of the county courts began consolidation of two or more of the districts within their respective counties.<sup>33</sup> Thus, on December 3, 1866, Weber County Court consolidated the Riddle, Central, and Moffat settlement school districts. The new or consolidated district became No. 15, or the Eden School District.<sup>34</sup> The Utah County Court made it possible for consolidation and the city officials of Provo began at once to study the enlarged unit of school organization.<sup>35</sup> On May 5, 1866, the city council record states, "Mr. Pace, chairman of the committee on Education reported verbally in relation to the school laws and made a motion that this city as one district conform to the late act of the legislature. . . ."<sup>36</sup> For several years Provo attempted consolidation, but again reverted to the smaller districts. Again in 1875 Provo enjoyed partial consolidation, but the small district retained its identity until 1890, when the cities

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<sup>32</sup>*Laws of the Territory of Utah*, 1866, ch. 162, sec. 3.

<sup>33</sup>Edward A. Bateman, *Development of the County-Unit School District in Utah*, Bureau of Publications, Teachers College, Columbia University, 1940.

<sup>34</sup>*Journal of the County Court of Weber County*, Book A, p. 161.

<sup>35</sup>J. C. Moffitt, *A Century of Public Education in Provo, Utah*. (Private Edition) 1944, Graham Printing Co., Provo, Utah.

<sup>36</sup>*Record of Provo City Council*, May 5, 1866.



of the first and second class became school districts by statutory mandative order.

An examination of the territorial school reports gives evidence of minor consolidation in several towns beginning with Provo in 1875. Thus in that year territorial appropriations for Provo First, Second, Third, and Fourth ward school districts were listed, but by 1876 only Provo School District is recorded. In the 1876-77 report the territorial superintendent lists St. George First, Second, Third, and Fourth ward school districts, and in 1878 records one St. George school district. In 1878 the annual report records First, Second, Third, and Fourth school districts in the town of Fillmore, and in 1879 records but one district. Likewise, at about the same time, Ogden districts were amalgamated. In 1880 additional permissive consolidation legislation was enacted. The law states, "Trustees may unite and jointly control two or more contiguous districts in the same county, or in adjoining counties, and establish union schools. . . ." <sup>37</sup> While these reports and statutes indicate that consolidation was slowly taking place, it was scattered and much less effective than the action taken when mandatory laws were enacted at a later date.

*Extending the educational leadership to the public in consolidation.*—Former State Superintendent A. C. Matheson, whose term of office expired immediately preceding the passing of the mandatory county consolidation law, wrote the history of the attainment of county consolidation in 1915.<sup>38</sup> Mr. Matheson gives much credit for initiating the program to James H. Anderson and W. W. Wilson, who were members of the Salt Lake County Board of Commissioners. These men urged Superintendent Ashton, of Salt Lake County Schools, to propose a plan which would increase the efficiency of the schools and make a more equitable distribution of school money. Mr. Ashton's suggestion was to consolidate the thirty-six districts of Salt Lake County into a greatly reduced number.<sup>39</sup> These county commissioners began an active campaign for the consolidation of all small governmental units, including school districts. Although working against much opposition, they were successful by 1905 in consolidating Salt Lake County into two districts.<sup>40</sup>

A number of the governors of Utah caught the vision of the

<sup>37</sup>*Laws of the Territory of Utah*, 1880, ch. 19, sec. 3.

<sup>38</sup>A. C. Matheson, "Consolidation of School Districts," *Utah Educational Review*, Vol. VIII (May-June, 1915), pp. 6-13.

<sup>39</sup>*Ibid.*, p. 9

<sup>40</sup>*Ibid.*

educational leaders and urged the organization of the larger school district. In his message in 1903 Governor Wells said:

I especially direct your attention to his [the State Superintendent's] recommendation that the school districts in each county be consolidated into one district, to be under the control of a board of education, consisting of from three to seven members. I agree with him that if this consolidation can be effected, it will do much to simplify, strengthen and economize our present school system.<sup>41</sup>

The first years of this century were those in which the county consolidation issue was paramount. The law giving permission to consolidate in county districts was passed March 9, 1905, after Salt Lake County in December, 1904, consolidated into two districts.<sup>42</sup> Weber County consolidated July 3, 1905, and Box Elder in May, 1907.<sup>43</sup>

The 1905 law is the basis on which county consolidation has taken place. This law made consolidation possible for counties "of the first class," i.e., having a population of more than three thousand individuals between six and eighteen years of age, exclusive of cities of the first and second class.<sup>44</sup> In 1911 the legislature revised that part of the 1905 law which pertains to school districts of the first class. A county of twenty-five hundred individuals from six to eighteen now became eligible for consolidation.<sup>45</sup> The legislature again revised the law in 1913, making a further reduction in the number of school population necessary to be eligible for consolidation.<sup>46</sup>

A. C. Nelson became state superintendent in January, 1901, and held that office until December, 1913. Like his predecessors, he was courageous in the positive stand he took toward the advantages of consolidation of schools. His reports to the legislature indicate his enthusiasm for larger school districts. He urged consolidation based upon the evidence resulting from the success attained in the counties which consolidated under the 1905 law.<sup>47</sup>

A portion of Nelson's argument follows:

It has been held by this [state school superintendent's] office and so stated in our previous reports, that consolidation of small districts would equalize school advantages. To repeat, it has been stated that such consolidation would result in an economical administration of the schools. There would be a

<sup>41</sup>Heber C. Wells, "Governor's Message," *Journal of the Legislature of the State of Utah*, 1903.

<sup>42</sup>Matheson, *op cit.*, p. 9.

<sup>43</sup>*Ibid.*, p. 10.

<sup>44</sup>*Laws of Utah*, 1905, ch. 107, sec. 1.

<sup>45</sup>*Laws of Utah*, 1911, ch. 135, sec. 1.

<sup>46</sup>*Laws of Utah*, 1913, ch. 96, sec. 1.

<sup>47</sup>A. C. Nelson, *Eighth Report of the Superintendent of Public Instruction of the State of Utah for the Biennial Period Ending June 30, 1910*, pp. 23-29.

better grade of teachers employed, a stricter enforcement of the compulsory education law and adequate supply of text-books and apparatus, better school buildings, improved sanitary conditions, a fairer distribution of the funds arising from taxation, or corporate property, uniformity in the grading of the schools, a larger number and better qualified supervisors, uniform length of school term, etc.

Reports from the consolidated districts are proving the truthfulness of the above statements. The superintendent of one of these counties writes: "The tax levy allowed by law under consolidation into one district, yet under consolidation a very material growth has been made without any additional debt being created. . . ."

With unanimity of educational opinion in favor of the larger school district, with conditions in the state calling for further consolidation, and with experience to prove the desirability of the system, permit me to say again what was said in my last report: it is hoped that the legislature which is soon to convene will revise and strengthen the present law wherever it is needed, so that any county, regardless of its school population, may take advantage of the educational benefits offered by consolidation. . . .<sup>48</sup>

In his report for the years of 1911-12 State Superintendent Nelson called attention to some of the inconsistencies of the schools of Utah resulting from the small district plan. By that time it was obvious that expenditures were much more judicious where consolidation existed. In some of the counties the trustees were paid more than seven times the amount paid to the county superintendent of schools. Seven of the then twenty-seven counties of the state were consolidated. These counties were Cache, Box Elder, Weber, Morgan, Davis, Salt Lake, and Sevier. Sufficient experience to justify the claims that had previously been made for the advantages of the larger district was already a matter of history. Referring to this fact Nelson said:

Consolidation has not only passed the experimental stage in Utah, but a very large part of our citizens are enthusiastically in favor of it. No consolidated county would return to the small unit system. The larger unit is superior to it. It makes for economy and efficiency in every department.<sup>49</sup>

During the closing period of optional consolidation, and immediately preceding mandatory legislation which eliminated all the small districts of the state, Superintendent A. C. Matheson wrote the tenth report of the schools of Utah and enumerated the many advantages of the enlarged districts. He declared that one school board serving for the entire county was more effective, and that the equalized burden of taxation was helping to finance a better school program in which there was more careful spending of

<sup>48</sup>*Ibid.*, pp. 23-27.

<sup>49</sup>A. C. Nelson, *Ninth Report of the Superintendent of Public Instruction of the State of Utah for the Biennial Period Ending June 30, 1912*, p. 23.

money and wiser distribution of supplies and equipment. Regarding the improved program and the advantage of the enlarged board of education, Matheson said:

Consolidation makes it quite possible to have necessary and effective supervision. The board appoints a superintendent and holds him very largely responsible for the success of the schools. The superintendent, with the approval of the board, appoints supervisors such as a primary supervisor, a supervisor of art, music, manual training, etc. From direct observation and from his supervisors the superintendent learns the standing of his schools, and he is thus in a position to apply the necessary remedy to bring them all up to a desirable standard. . . .

Consolidation dispenses with the services of unnecessary officials. In one consolidated county where there are now only five school board members, there were one hundred and twenty. Consolidation has been most strenuously opposed by local trustees. . . . Experience shows that too often the local trustee has given much less attention to the school than has been given to it later by the board of education of the larger unit of organization. It is pitiful to see standing only a few miles away from a beautiful school building a little uninviting and unsanitary school house controlled by persons who oppose consolidation on the ground that it interferes with their fundamental rights as citizens. . . . That consolidation gives the best available school privileges to the greatest number is a fact which has been thoroughly demonstrated by experience.<sup>50</sup>

#### INFLUENCE OF THE HIGH-SCHOOL MOVEMENT ON CONSOLIDATION

*Early development.*—High schools in Utah have made almost their entire growth during the twentieth century. Some few were privately sponsored in the earliest history of the state, but these were neither publicly organized nor administered. The Mormon church and other religious denominations largely controlled all education beyond the very elementary level.

The state superintendent's biennial report lists a four-year course of study for the high schools of Salt Lake City in 1896-97.<sup>51</sup> This same report contains a list of five counties and two cities having high schools.<sup>52</sup> Growth in high schools and high-school attendance in Utah was slow and of little consequence until after 1900. In 1898 only sixty-eight pupils completed high school. In 1899 the number was one hundred thirty-one. Two years later there were 132 high-school graduates.<sup>53</sup> The fact that rural high schools were even more retarded in growth may be noted by the report

<sup>50</sup>A. C. Matheson, *Tenth Report of the Superintendent of Public Instruction of the State of Utah for the Biennial Period Ending June 30, 1914*, pp. 36-7.

<sup>51</sup>John R. Park, *Second Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1898*, p. 207.

<sup>52</sup>*Ibid.*

<sup>53</sup>A. C. Nelson, *Fourth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1902*, p. 31.



that in 1901 fifteen pupils were graduated, exclusive of cities, and high schools were operated in only two counties.<sup>54</sup> By 1905 high schools were reported in eight counties. In that year there were graduated seventy-six pupils from these high schools and 105 from the city high schools, making a total of 181 high-school graduates for the entire state.<sup>55</sup> The growth in number of schools and pupils attending was constant, although the number was small until after increased legislation was enacted that gave financial encouragement for high-school expansion. By 1912 the counties exceeded the cities in the number of graduates. The former had 215 and the latter one hundred sixty-nine.<sup>56</sup> By 1914 there were 7,441 pupils in high school, and the number of graduates had increased to six hundred forty.<sup>57</sup> The state high-school inspector in 1913 declared that the growth for the preceding ten years had been much more extensive than that throughout the nation as a whole.<sup>58</sup>

The rather rapid growth of Utah High School enrollment and graduations during the years following World War I may be noted in Table V.

TABLE V  
TREND OF GROWTH IN UTAH HIGH SCHOOLS  
OVER TWENTY-YEAR PERIOD

Year Ending	Per Cent H. S. Is Of Total Enrollment	Number Of High School Graduates	Per Cent Increase Of Graduates Over 1920
1922	15.97	1,674	44
1924	17.90	2,304	98
1926	19.01	3,073	165
1928	20.53	3,567	207
1930	21.52	4,358	275
1932	27.27	5,755	396
1934	29.13	6,689	477
1936	30.07	7,424	542
1938	30.33	7,555	551
1940	31.64	8,125	601

\*Data derived from *Utah School Report* 1936-38, pp. 91-92.

**Legal provision for high-school development.**—The extreme rural condition of Utah, together with the handicap of the small

<sup>54</sup>*Ibid.*, p. 10.

<sup>55</sup>A. C. Nelson, *Sixth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1906*, pp. 10 and 17 (statistical division).

<sup>56</sup>E. G. Gowans, *Ninth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1912*, p. 24 (statistical division).

<sup>57</sup>A. C. Matheson, *Tenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1914*, pp. 20 and 27 (statistical division).

<sup>58</sup>Mosiah H. Hall, "The Public High Schools of Utah," *Utah Educational Review*, Vol. VI, p. 53.

school district, presented insurmountable problems for an effective high-school program. Many of the states, and especially younger and more rural ones, were doing but very little for the establishment of high schools, although educational leaders both in Utah and the nation as a whole recognized the existing need for more than a common school education. In 1883 the territorial superintendent of Utah said:

In consideration of the remoteness of many of the towns and cities of the Territory from the University of Deseret, and schools of high scholastic character; and of the inability of the great majority of the population to send their children away from home to attend these schools, . . . we are led inevitably to a conviction of the desirability of establishing schools of higher grade in close proximity to homes of our rural population.<sup>60</sup>

In 1884 provision was made by law for schools to be established in communities having a minimum population of twelve hundred. This required a majority vote of the taxpayers of the district. The law made it possible to "establish and maintain a graded school, or a graded department in a school in such district, in which pupils may be instructed in higher branches of education than those usually taught in the common schools."<sup>60</sup> During the next few years leaders in education began to urge the enactment of legislation that would permit not only one county to consolidate for high-school purposes, but in the more rural areas of the state, would allow several counties to unite for that purpose. An example may be noted in 1893 by G. M. Marshall of the University of Utah when he said:

There are few cities or towns in Utah as yet able to maintain a High School. This could be easily provided for by the establishment of a High School in each county. In the sparsely settled regions the high school could be maintained by a group of counties. These schools would naturally be located at the most populous centers and should be supported by county treasuries.<sup>61</sup>

As already indicated, Dr. Park was very enthusiastic about consolidation of schools, but he did not limit his interest to elementary schools, for his report of 1896 contains an appeal to the legislature to enact legislation that would make high-school consolidation possible.<sup>62</sup> The territorial Legislative Assembly passed a comprehensive school law in 1890, with an amendment in 1892, that gave

<sup>60</sup>L. John Nuttall, *Territorial School Report*, 1882-83.

<sup>60</sup>Laws of the Territory of Utah, 1884, sec. 1, of "An Act Amending Chapter XIX of the Laws of 1880."

<sup>61</sup>G. M. Marshall, "The Public School System of Utah," *The Utah Monthly Magazine*, Vol. IX (April, 1893), p. 266.

<sup>62</sup>John R. Park, *First Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1896*, p. 38.

the trustees of any school district with a population in excess of 1,500 (if authorized by a majority vote of the taxpayers of the district) the right to "establish and maintain a high school, in which pupils may be instructed in higher branches of education than those usually taught in the district schools. . . ." <sup>63</sup> Permission was likewise given to unite two or more counties for high-school purposes, should the population not be sufficient within any one county.

Complying with the constitutional mandate of 1896, the first state legislature enacted a law prescribing the organization of a state school system. That section of the 1892 law pertaining to high schools was incorporated into the law of 1896. The following year the legislature amended the law giving permission for two or more contiguous districts to unite and form a high-school district, but requiring the electors to "vote by ballot for or against the organization of a high-school district." <sup>64</sup>

The 1897 law provided for the trustees and superintendent to constitute a board of trustees to "order to be raised annually on the taxable property of the district a tax of one-half of one per cent for the support of the high school; and a special tax not to exceed two per cent per annum may be levied by a majority vote of the qualified electors of the high-school district." <sup>65</sup> This law was changed but little in 1899, and in 1901 it was amended to allow trustees of any school district "having a population of over one thousand" if authorized by a majority vote of "the property tax payers to establish and maintain a high school." <sup>66</sup>

Additional amendments to the high-school laws were relatively unimportant until 1911. At that time the law was altered so that it made each county within the state, except those counties already so constituted, a high-school district. The county superintendent was required to report to the county commissioners within sixty days his opinion concerning high-school districts: if more than one high-school district were to be included in the county, he was requested to recommend to the board of county commissioners a plan for subdividing the county into such districts. Procedure was prescribed in which, after proper advertisement, the county commissioners were to have a full hearing of the question, after which they were then required to make decision as to high-school district boundaries. The law provided for a board of education of each high-school district to consist of the county superintendent

<sup>63</sup>Laws of the Territory of Utah, 1892, sec. 51a, of "An Act to Provide for a Uniform System of Free Schools Throughout the Territory."

<sup>64</sup>Laws of Utah, 1897, ch. 49, sec. 15-16.

<sup>65</sup>*Ibid.*, sec. 18.

<sup>66</sup>Laws of Utah, 1901, ch. 82, sec. 1.

of schools and one member of the board of trustees from each common-school district within the high-school district. This board was required to organize and to operate schools with full authority and power vested in them for the administration of this class of school. The culmination of these transition laws came in 1915 insofar as consolidation and the establishment of desirable high-school districts was concerned. At that time the high-school districts became co-terminous with elementary or common-school districts and in general the county became the unit of organization.

The growth of high schools in Utah was essentially simultaneous with that of the nation as a whole, although slightly retarded in comparison to the older states. Child labor laws were being enacted throughout the several states that prevented children of the younger ages from entering most of the growing industries and hence this became a boon to the progress of all high schools. It was significant, however, that these problems were initiated in Utah at the time consolidation was emerging.

Consolidation of districts for high-school purposes in Utah has been one of the major phases of the greater problem of consolidation for school administration. The establishment of high schools at central areas created an enlarged community center. Pupils attending such schools influenced the thinking of their parents toward larger school districts.

#### OPPOSITION TO CONSOLIDATION

*Expressed opinions.*—The achievement of county consolidation of schools in Utah was not an easy task on the part of those who worked for its attainment. Many of the local trustees were among the most bitter enemies to the proposed plan of reorganization, for the inauguration of the larger school district meant to them not only the loss of prestige, but also the loss of a small pittance of income, which to some was sufficient to oppose the educational leaders who were sponsoring the newer pattern of organization. Enmity became intense and considerable ill-will was created. In spite of the fact that Utah had many advantages conducive to consolidation that might not commonly exist in other states, it was an accomplishment that required courageous educational leadership for two generations. Mr. D. H. Christensen was serving as a county superintendent of schools at the time consolidation took place, and he has written the opposing attitude of one group. He reports the incident as follows:



The debate was bitter. It was vehement. . . . The following resolutions were adopted with only three dissenting votes and in a surprisingly short time over one thousand signatures were attached:

To His Excellency, the Governor, and Legislative Assembly of the Territory of Utah:

In view of the fact that our excellent educational standing in this territory is largely due to the beneficent provisions of our present school law which recognizes the wishes and will of the people. . . .

Therefore we are strictly in favor of its continuance. . . . and do solemnly protest against the passage of Council Bill No. 58, entitled 'A Bill to Provide for a Uniform System of Education,' now pending before your honorable body, for the following reasons:

. . . . .

IV. Because the proposition to unite the various school districts of each county—except cities of the first and second class—into one school district, is, under our present conditions, unwise, unnecessary, and injudicious, and will, we believe, complicate our present financial conditions and injure the cause of education.

V. Because said school district is to be placed under a board of nine members, who necessarily cannot be residents of the districts as now organized, and therefore will not be in direct touch with the growing interests and constant demands of each distinct part of the contemplated new district.

VI. Because it is a direct thrust at the vital principle of local self-government in that it deprives the citizens of the school districts, as now established, of their right to elect their own officers, and through them, engage teachers of their own choice. . . .

VII. Because it imposes bonded and other indebtedness upon the inhabitants of certain school districts contracted by others.

VIII. Because the passage of the bill will create disorder, disturb the excellent results of the present, introduce un-American obligations, and foist upon the people, those not of their immediate choice, against all of which, we earnestly protest.<sup>97</sup>

*Opposition due to inequalities of financial status.*—The large differences in taxable wealth existing between districts was used as an argument both for and against consolidation. Those who had large vision and saw the need for a revised over-all organization noted the fact that children living in the poorer districts were educationally handicapped. Those who were in wealthy districts, however, declared that they had nothing to do with the accumulation of debts of the poorer districts and that it was unfair and un-American to impose such debts on those who would need to bear the burden in case consolidation were to become a reality. On different occasions the issue of debts in relation to extending the school boundary line came before the courts of the state. One such case was that of *King v. Utah Central Railway Company*. This oc-

<sup>97</sup>D. H. Christensen, "Consolidation of Schools," *Utah Educational Review*, Vol. XXV, November 3, 1931, pp. 103-104, 136.

curred at a time when the county court had the legal right to consolidate school districts. One such county court extended the boundary of a school district fifteen miles in a direction that included certain railroad property. It was argued that the extension was for the purpose of accumulating more wealth, inasmuch as the territory was mountainous and not appropriate for settlement. The court sustained the act that made the extension of the boundary line, asserting that action was according to statutory authorization.<sup>68</sup>

A better known instance dealing with the problem of consolidation where the inequalities of indebtedness existed may be noted in the case of the several Salt Lake City districts. Until March 13, 1890, there were twenty-one school districts in Salt Lake City, each having its officers who had power to levy taxes for school purposes. When consolidation took place it was at once apparent that the debt burden carried into the enlarged district was extreme. Moreover, levies had been made that varied in amount in the several districts. This was disturbing to many of the local trustees and residents. In this case taken before the supreme court of Utah, District No. 11 sought an injunction "to restrain the collection of taxes in the new [district]." Justice J. Blackburn wrote the state court decision and therein made it clear that the legislature was the source of authority for the inauguration of whatever kind of school organization it might prefer. In part, Justice Blackburn said,

It is conceded that the legislature has authority to abolish these districts, and consolidate them into one, and apportion the property. How that apportionment should be made is a legislative question, and not for the courts; and the legislature having acted upon that question, it is presumed that it did all that was necessary, and the court cannot interfere.<sup>69</sup>

*Consolidation becomes mandatory in 1915.*—Many of the officials of the small school districts were reluctant to release their control of the schools, and these with the supporting influence of others opposing union schools, retarded complete consolidation until 1915. March 17, 1915, the legislature passed the act that gave Utah the mandate requiring consolidation of all school districts and eliminated the small district that had been the common organization for administrative purposes for sixty-three years. The important feature of the law from the standpoint of consolidation states:

<sup>68</sup>22 Pacific, Re. 158.

<sup>69</sup>28 Pacific, 982-983.

Each county within the State shall constitute a county school district of the first class; provided, that existing county school districts of the first class shall continue as such county school districts of the first class, and provided, that if in any county there be a school population of five thousand or more and said county is already divided into two or more high school districts, then each of said high school districts shall constitute and is hereby created a county school district of the first class. . . .<sup>70</sup>

The act required the county commissioners to designate the name by which the school district shall be known, and to divide each school district into five representative precincts. Likewise the county commissioners were required to appoint the board of education in the newly created districts. The school board was to be composed of five individuals, and at the election held in December of 1916, the members were to be elected by the vote of the people. The county board of education was required to have general administrative control of the school district. It was to prepare a budget reporting to the county commissioners the amount of levy which was to "be uniform on all property within the said district," and the commissioners in turn were to collect the local tax revenue.<sup>71</sup> The 1905 law made it mandatory for the county boards of education to appoint a county superintendent of schools who was to serve as an executive to the board. The board in counties which had consolidation had general administrative control of the entire school district from the 1905 act, and with the 1915 law all counties, regardless of size, became consolidated school districts.

*Consolidation of schools by local boards of education.*—The policies of boards of education have varied from one school district to another. Some assumed that the principal purpose of consolidation was to eliminate the small school and in place thereof to establish larger central and well-graded schools. Where boards of education have followed the recommendation of their executive officer, this has been the common practice. Other boards assumed that the principal advantage of consolidation was to equalize the cost of the schools throughout the enlarged school district, but were opposed to the elimination of the ungraded one- or two-teacher school. This difference in attitude has been the cause of some strife from the time consolidation was initiated to the present, and many of the people have reluctantly surrendered the small neighborhood schools.

<sup>70</sup>Laws of Utah, 1915, ch. 78, sec. 1.

<sup>71</sup>*Ibid.*



*Opinions of attorney generals on consolidation.*—From time to time attorney generals have given their opinions as to the legal right of consolidation, both by the local boards of education and the right of the state board in giving encouragement toward elimination of the small schools. Attorney General Parker informed the state board of education that “the action of any district Board of Education [in consolidating schools] could not be modified.”<sup>72</sup> A more recent opinion of an attorney general has been made which emphasizes the authority of the local boards of education in consolidating schools, but which likewise expresses an opinion that it is the duty of the state board of education to sustain the local boards in this action. In part this opinion states:

While the language of the statute has been changed from time to time between 1907 and the revision of 1933, with respect to the powers of local boards of education to consolidate or eliminate schools whenever they may deem it advisable, I am of the opinion that the present wording of the law, . . . is sufficiently comprehensive to delegate to the local boards of education that type of judgment and discretion. . . .<sup>73</sup>

In answer to the direct question as to what authority the state board of education has “under the law when a local board of education asks for support in consolidation or elimination of schools,” the attorney general replied, “The State Board of Education clearly has not only the authority, but the duty of supporting a local board of education in the consolidation or elimination of schools.”<sup>74</sup>

*Policy of state board of education.*—The state board of education has given cooperation whenever increased consolidation seemed feasible. This body established a definite policy on the problem of consolidation in one of its regular meetings. The minutes of October 13, 1938, state: “It was moved by member ——— and seconded by member ——— that it be the policy of the State Board of Education to favor consolidation wherever greater efficiency and improved educational opportunity would result. . . . This motion carried unanimously.”<sup>75</sup> The state board of education has given authorization to members of the state school staff to direct educational surveys of given districts in which consolidation of some of the schools had been an issue. One such authorization was given July 18, 1939, with the specific injunction

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<sup>72</sup>State School Board Minutes, November 5, 1930, pp. 8-9.

<sup>73</sup>State Superintendent's “Items for District School Superintendents, 1939.” *Department of Public Instruction*, p. 890.

<sup>74</sup>Ibid.

<sup>75</sup>Minutes of the State Board of Education, Vol. II, October 13, 1938.



of "looking toward the best possible arrangement for [a] consolidation program. . . ."<sup>76</sup>

This survey was made under the direction of the state school staff and is an expression of the general attitude of that office. Some of the recommendations of the survey committee follow:

We strongly urge further consolidation within this district. In the first place the County ought to be made into one district. [Three school districts exist within the county at the present.] Summit County could and would be one of the most favorable districts in the State. It is relatively compact, relatively wealthy, relatively close to the center of the State. It would be a Class A school district, even though you maintained your present number of high schools, which, we so recommend. . . .

Also, within the present South Summit School District small schools ad-joint to larger schools are expensive, less efficient and seriously handicapped for a modern educational program. The total possible elementary enrollment in all schools is 279 for the school year of 1939-40. True economy and the provisions for a complete educational program make it desirable to organize minimum attendance units of from 300 to 500 pupils. There is no more reason for children to be housed any longer in such small schools than for their parents to burn tallow candles.

The small schools cost more and return less. South Summit is particularly fortunate in its good roads and short distances and homogeneous people. Our first recommendation is to consolidate all elementary schools into one unit at Kamas, just as has been done in secondary schools. . . .<sup>77</sup>

Additional reference is made to the Carbon County School District survey conducted by the same representatives of the state school staff. Therein similar recommendations were made to eliminate the smaller schools. Concerning the junior high schools, the survey commission said:

Many small junior high schools within a district are a distinct hindrance to good schools. Local pressures demand that whatever is given to one school must be given to all whether they need it or not or whether they will use it. Often the school board in desperation, is driven to hold back from supplying some schools badly needed provisions rather than appear to favor certain schools above others. Further, small schools do not and cannot offer the rich offerings nor dynamic leadership of pupils and teachers found in larger schools.<sup>78</sup>

Considerable pressure has been exerted by the state board of education for consolidation of small schools. One of the duties of this board is to approve one- and two-teacher schools before such schools are eligible for participation in certain school funds. Some

<sup>76</sup>*Minutes of the State Board of Education*, July 18, 1939, p. 244.

<sup>77</sup>David Gourley, B. K. Farnsworth, and Jennie Campbell, "South Summit School District Survey, 1939," MS, on file at State School Office.

<sup>78</sup>David Gourley, B. K. Farnsworth, and Jennie Campbell, "Survey of Carbon County School District, 1939," MS, on file at State School Office.

refusals for this participation have been made because other larger schools were available through transportation of the pupils.<sup>70</sup> Because of the encouragement given from the state leadership, the gradual but continued efforts of local school superintendents, and some of the local boards of education, Utah has developed an extensive transportation system that has tended to lessen, and in time will apparently eliminate the small one-teacher school.

Other factors such as the village pattern of community life have extended a significant influence both in consolidation of districts and the tendency to displace the small schools with larger graded schools. This growing practice has given to Utah comparatively large schools in spite of the fact that much of the state is essentially rural.

*State supreme court rulings on consolidation.*—The supreme court of Utah has taken divergent attitudes at different times in its analysis of the right of the administrative body to close or consolidate the schools within a given district. This is due to the alteration of the law that governs the right of consolidation. One somewhat noted case was that of *Bishop v. Morehouse* which came before the court in 1910. Acting upon the legislative authority given to them in the 1907 school law, these trustees were confronted with the problem of operating three schools in western Juab County. One of the schools had only three children attending and the trustees closed this school. The incident came before the supreme court and the court upheld the action of the school officials in uniting the schools.<sup>80</sup>

On the other hand a more recent case came before the state court following the decision of a county board of education to close a school at Elmo in Emery County. In this instance the court ruled against the action of the board. In part, Chief Justice Mofat who wrote the decision said:

There is no express power to abandon, disestablish or discontinue a school in a county school district. . . . We find nothing in the statutes showing the legislature had the intention to vest in the boards of education or the successors of the boards of trustees the power vested in the old boards of trustees, i.e., to change or discontinue schools in county school districts.

A school is something more than a plot of ground, a site for a building, or both. A school is an operating institution for the welfare of the community it serves.<sup>81</sup>

<sup>70</sup>*Minutes of the State Board of Education, April 2, 1940, Vol. II, p. 268.*

<sup>80</sup>112 Pacific, 172.

<sup>81</sup>Manuscript provided by State School Office before publication.

*Evaluations of consolidation.*—Beginning in 1890 cities of the first and second class in Utah consolidated the small school districts into one city school organization under the administrative control of a board of education. Many problems required careful thought and action. The first annual report of Salt Lake City schools following 1890 states that the school population consisted of 8,818 children for which educational opportunities must be provided, but that the total school-building space "was limited to 2,728 sittings."<sup>82</sup> Within a comparatively short period of time, however, great progress was made and the following reports indicate that the planning and construction of school buildings occupied much time and effort of the board of education. "The future will be easier," declared the president of the board after one year of effort. Continuing the report he states:

Courses of study have been established, the grading of pupils made and a large and gratifying measure of success has attended the work.

There has been less friction than might have been expected in the welding of twenty-two districts into one.<sup>83</sup>

Progress under the consolidated plan evidently existed from the first year. The second annual report states, "This, the second annual report of your president is much more satisfactory than it was possible to make the first year."<sup>84</sup>

An editorial in the *Utah Educational Review* shortly after county consolidation was effected, contains praise for the results of the enlarged administrative organizations. It was claimed that within a year supervision had greatly improved, teacher's tenure had entered a new status, teachers' salaries were advanced, better systems of grading were effected, local strife was eliminated, better apparatus and supplies were purchased, and many new and enlarged buildings were in the process of construction.<sup>85</sup>

An examination of the series of state superintendent reports following 1915 clearly depicts the advantages of the consolidated program. The 1915-16 report states:

The most notable advance in recent years in the work of school administration is the adoption by the State as a whole of what is known as the enlarged or county unit of organization.<sup>86</sup>

Elsewhere in the same report the superintendent refers to the fact that consolidation had taken place in certain areas of the state

<sup>82</sup>First Annual Report of Salt Lake City Schools, 1891, p. 97.

<sup>83</sup>Ibid., p. 15.

<sup>84</sup>Second Annual Report of Salt Lake City Schools, 1892, p. 13.

<sup>85</sup>Utah Educational Review, Vol. IX, No. 4 (December, 1915).

<sup>86</sup>E. G. Gowans, *Eleventh Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1916*, p. 17.

earlier than in other areas, and speaks of those first districts as being "so satisfactory that the enlarged unit of organization was adopted for the remainder of the State by legislative enactment." He further asserts that as a result of the county unit system of school administration, "school opportunities have been nearer equalized and the financial burdens of supporting the schools has been placed upon a more equitable basis."<sup>87</sup> In his opinion, opposition to consolidation in the twenty-five new county districts created in 1915 existed but for a short time. He declared, "the benefits in the way of economy and efficiency are already so evident that opposition to the new plan has practically disappeared."<sup>88</sup> The report indicates that better supervision was given, that higher standards were established, and that teachers were more anxious to attain greater efficiency. In his opinion, consolidation had produced a higher standard for teacher certification than had formerly been known within Utah.

During the interim since consolidation became mandatory, state superintendents have continued to acknowledge the advantages they attribute directly to the enlarged unit of school organization. In the biennial report of 1919-20 the superintendent, writing under title of "Educational Progress of the Last Ten Years," said:

A little more than ten years ago in a notable address delivered by Dr. George Thomas [recent president of the University of Utah], President of the Utah Educational Association, before the teachers in their meeting declared, 'We want larger governing units. The day may come when all the teachers and superintendents of the State will be made one State educational commission. When that day comes every boy and every girl in this State will have more nearly equal educational advantages. . . .'

Today as a result of the law passed by the 1915 legislature and the successful working out of the consolidation plan in a few counties every county in the state has consolidation of administration with all of the advantages which that system possess. These advantages may be summarized as follows:

The elimination of a large number of more or less inefficient school trustees and the substitution in each enlarged district of a board of education of five members more carefully selected and generally better qualified.

The election by this board of a well qualified superintendent selected because of his professional qualifications.

The better administrative control of high schools which are now an integral part of the system of schools in each district controlled and supervised by the same board and same superintendent.

More economical purchasing of supplies and material by a well-qualified purchasing agent or committee of the board, purchasing for the whole county

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<sup>87</sup>*ibid.*

<sup>88</sup>*ibid.*



in place of the indiscriminate methods that would necessarily be followed by twenty or more boards of trustees.

The equalization of the school tax within the county.

Better and more careful supervision of instruction and more efficient training of the young recruits among the teachers.

Abandonment of many one-room schools and the substitution of first-class graded schools with transportation of pupils.

Large increase in enrollment because of the better schools made possible.<sup>89</sup>

In the 1925-26 biennial report the state superintendent declared that the experience over the ten year period of time "shows that the view of those favoring the consolidation plan have been quite fully substantiated."<sup>90</sup> In 1928 the state superintendent expressed praise for the county unit and declared that "Utah has an enviable position among the sister states." Continuing he said, "Its town and village schools are administered to by district boards of education, thus providing a form of school organization for the rural, agrarian and industrial communities that parallel that provided for large and compact cities."<sup>91</sup> Also included in the 1928 report were written expressions from a number of the local district superintendents concerning consolidation and benefits derived therefrom. One of the local administrators said, "The people in various communities have seen the better opportunities afforded in large schools and have expressed themselves favorably for the elimination of the small school wherever possible."<sup>92</sup> In another local district where more than one-half of all the children within the entire school district were transported after consolidation, the superintendent declared, "Through consolidation and bus service, all one-teacher schools have been eliminated."<sup>93</sup> Another superintendent described the transportation services that had been inaugurated since the enlargement of the school district. At that time the district owned seventeen motor buses which made double trips to and from the several schools daily, and in addition to these, more than twenty privately owned buses were used to transport the school children. Said he, "Upwards of 1800 students are transported and all transportation is free."<sup>94</sup>

School surveys and other investigations in Utah have tended

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<sup>89</sup>L. J. Muir, *Thirteenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1920*, pp. 7-10.

<sup>90</sup>C. N. Jensen, *Sixteenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1926*.

<sup>91</sup>C. N. Jensen, *Seventeenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1928*, p. 12.

<sup>92</sup>*Ibid.*, p. 32.

<sup>93</sup>*Ibid.*, p. 45.

<sup>94</sup>*Ibid.*, p. 50.

to give considerable credit for the consolidated or enlarged district. In 1934 the governor appointed an investigating committee to study the several units of government within Utah. After this committee had given the report in which it recommended centralization for several governmental administrative activities, the governor in his message to the legislature in 1935 said:

It is proposed that it [centralization in administration] be used in connection with the operation of the school system. . . . I am heartily in favor of maintaining the present high educational standards of the public schools of Utah. This state has already progressed further than most states in the centralization of school administration and with good results.<sup>95</sup>

The committee appointed in keeping with the law passed March 8, 1935, was given a specific duty to determine the advisability of increased consolidation. Specifically, the act states:

It [the committee] shall study the advisability of grouping of several or all counties into one school district, or consolidating existing districts within counties. . . .

It should also consider the present arguments for and against, with its own conclusions on the plan for the operation or partial operation of the schools by the state as a unit. . . .<sup>96</sup>

In 1939 the legislature made provision for another state-sponsored investigation of the educational organization. Like earlier surveys and studies, this one pointed out the fact that gross inequalities in ability to pay for education exist among the districts, affecting all school levels up to and including the twelfth grade.

The economy of Utah has changed so much during the past quarter of a century that extremely limited incomes in certain areas have hindered educational growth. In other sections of the state the local tax revenue remains low and the cost of education relatively high. Depressions followed and preceded by almost lavish incomes make the financing of school districts a difficult task even though the income base may be broad. In small districts effective education is almost an impossibility when both the local and national economy shifts as distinctly as has been the case during recent years.

The installation of the Geneva steel plant and other war industries in Utah has increased the differences in the taxable wealth of districts. This may be noted by the fact that the assessed valuation of Alpine School District in 1943 was \$16,246,805 and in 1944

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<sup>95</sup>Henry Blood, "Governor's Message," *Journal of the Legislature of the State of Utah*, 1935.

<sup>96</sup>*Supplement to School Laws of the State of Utah*, 1933, enacted by Legislature of 1935, ch. 125, sec. 3.

was \$36,592,850. While the steel plant brought an additional number of school children to the Alpine School District, the larger enrollment came to the adjacent districts within the same county that did not increase in assessed valuation as a direct result of the steel plant. Moreover, in 1944, the initial year in which revenue was derived from Geneva, the school population of the district was lower than formerly.

*Possibilities of additional consolidation in Utah.*—The heterogeneity of units of government in the United States, both for governmental and educational control, indicates a lack of agreement as to what constitutes a desirable size of unit. Various studies have been made in Utah in an attempt to determine an answer to the question: Would it be advantageous and beneficial for the state to continue its consolidation program? Dr. George Hansen proposed *A Regional Redistricting Plan for the State of Utah*.<sup>97</sup> Hansen's recommendation is a "six regional subdivision" of the state.<sup>98</sup> These regions are designated by natural barriers, and in Hansen's opinion would add to the social and political efficiency of the state.

Using Hansen's data as a base, Merrill has suggested a redistricting of school boundaries that will conform to the boundaries proposed by Hansen. Merrill maintains that with the present county and semi-county unit, excessive funds are paid for non-teaching services in the school budget.<sup>99</sup> He further maintains that such a reorganization will do much toward equalizing the financial burden of education.<sup>100</sup>

The state legislature of Utah in 1935 authorized a study of "Utah Governmental Units,"<sup>101</sup> with the intent of determining possible economies through a reorganization of such units. This committee studied particularly for educational purposes, three possible plans of reorganization. These are:

1. The large district plan of organization, with state equalization of the burden of support for a minimum educational program.
2. A state unit for support, with county or large district control of administration.
3. A state unit complete for both support and administration.<sup>102</sup>

<sup>97</sup>George H. Hansen, *A Regional Redistricting Plan for the State of Utah*, pp. 1-57. Brigham Young University Press, 1937.

<sup>98</sup>*Ibid.*, pp. 42 ff.

<sup>99</sup>Amos N. Merrill, "An Objective Basis for Redistricting Utah for Educational Purposes," *Proceedings of the Utah Academy of Sciences, Arts and Letters*, Vol. XI (1934), pp. 127-32.

<sup>100</sup>*Ibid.*, p. 131.

<sup>101</sup>Investigating Committee of Utah Governmental Units, *School Finance Study, and a Study of Consolidation of Utah School Districts*, pp. 1-179.

<sup>102</sup>*Ibid.*, p. 166.

The committee recommended that the state adopt and finance a minimum program for purposes of equalizing educational opportunity, and the burden of school support. In the opinion of this committee the "large region plan of any number of five or more regions" would still have the problem of equalization of educational support.<sup>108</sup>

More than thirty years have passed since consolidation became mandatory in all of the counties in Utah. Numerous other variables enter in and thereby prohibit a general statement of the progress resulting directly from this changed plan of organization and administration. However, much of the progress that has been made in education during this intervening time could not have been achieved without the adoption of the larger unit for school control. The major educational problems currently existing for the state as a whole center around the inequalities of opportunity determined in part by the discrepancy existing because of the divergence between rural and urban school districts and between poor and wealthy administrative units. This educational discrepancy continues in spite of the fact that several school laws have been enacted since consolidation which increase the amount of revenue derived from the state as a unit. These existing needs will serve as a basis for continued effort in working for the enlargement of the local school unit, or a revision of the statutes that will increase the amount of money received from the state for educational purposes.

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<sup>108</sup>*Ibid.*



## CHAPTER XIII

### COUNTY AGENCIES AS A UNIT IN EDUCATIONAL ORGANIZATION AND CONTROL

#### COUNTY GOVERNMENT IN DESERET

*The county as an agency in civil government.*—The county as a unit of government has played a major role in Utah's history from the time the general assembly initiated the state of Deseret. This governmental agency developed naturally, since the mountainous areas of the Great Basin compelled the settlers to gather in groups in the valleys where land could be tilled and community life established. Government at first was the function of the high council of the church. In early March of 1849, at a convention called for that purpose, the constitution of the state of Deseret was adopted. In July of that year the general assembly convened and began its work by memorializing the Congress of the United States for a state or a territorial government. Several sessions of the general assembly had been held by the first years of 1850, but only nominal government was effected for the operation of civil affairs within the Mormon colonies.

On January 9, 1850, an ordinance was passed by the general assembly providing for the judiciary of the state of Deseret. While counties were not yet organized, it was obvious that the county as a governmental agency was anticipated by these pioneer legislators, for certain county offices were enumerated, and a county system of courts planned which soon came into existence. For example, the general assembly declared that "There shall be one Sheriff for each County, whose term of office shall be four years. . . ." <sup>1</sup> The county court was given jurisdiction over all major criminal and civil cases within the counties. Likewise the court was given the mandate of issuing writs of habeas corpus, and administering justice in those cases that came before the court. A mandate was made requiring an annual court session within each of the counties.

On January 15, 1850, the general assembly passed another ordinance dealing with county officers. As a result of this act it became the duty of the county court to appoint one or more county commissioners. In turn, it became the duty of these county commis-

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<sup>1</sup>*Laws of the Territory of Utah, 1850, sec. 27 of "An Ordinance to Provide for the Organization of the Judiciary of the State of Deseret."*

sioners to locate roads within the counties, to enter into contracts for their improvements, and to report the same back to the clerk of the county court. These, and other civil officers, were appointed and elected to serve in the capacity of county officials before the county was established. The county court has been a part of civil government since its initiation in Utah. An ordinance was passed by the general assembly on January 6, 1851, that extended the functions and power of the county court, and at that time it became probably the most important functionary in government.

*Designation of first counties in Utah.*—On January 31, 1850, the general assembly of the state of Deseret designated the first six counties within the Great Basin area. There was no contiguous pattern of county organization or clearly defined boundary lines; these first county boundaries were without exact designation. The "valley" or the specific colony or community was to the founders the important thing; and the county was a convenient, although at first, loose term designating a general territory. As indicated above, the settlers established communities in the valleys that were inhabitable; and these valleys were, in certain instances, widely separated. Beginning with Weber on the northern extremity, the general assembly declared "all that portion of country known as Weber Valley, and extending as far south as Stony Creek, and west to the Great Salt Lake, shall be called Weber County."<sup>2</sup> Similarly, the assembly declared "all that portion of country known as the Valley of the Great Salt Lake, and lying south of Stony Creek, shall be called Great Salt Lake County."<sup>3</sup> The same act stated that Utah Valley should be called Utah County, that San Pete Valley should be San Pete County, Tuilla (Tooele) Valley, Tuilla County, and Little Salt Lake Valley (later changed to Iron County) should be designated a county by that name.

One portion of the ordinance stated: "Whenever a County mentioned as including a valley, the boundaries of the same shall extend to the natural boundaries of said valley. . . . All counties which do not organize are hereby attached to the next nearest organized County for judicial, revenue and election purposes. . . ."<sup>4</sup> On March 2, 1850, the general assembly enacted an ordinance creating the office of county recorder. And on October 5, 1850, Davis County was organized and given boundary. Iron County was

<sup>2</sup>*Laws of the Territory of Utah*, 1850, sec. 1 of "An Ordinance Providing for the Location of Counties and Precincts Therein Named."

<sup>3</sup>*Ibid.*, sec. 4.

<sup>4</sup>*Ibid.*, secs. 17-18.

organized on December 3 of that same year. The anticipated significance of county government may be noted by the fact that one of the "standing committees" of the general assembly was "on counties."

From these several legislative acts of the general assembly of the state of Deseret, it is apparent that the county as a unit of government was given significance at an early date in Utah's history.

#### THE FUNCTION OF THE COUNTY COURTS IN DIRECTING EDUCATION

*The county court and the 1852 law.*—The territorial assembly approved the legislative acts of the formerly existing state of Deseret, and thereby retained the county functionaries, including the courts. This was the legal pattern for civil control when school legislation began to emerge. The first general school law that provided an organization of schools for the territory as a whole, was passed by the Legislative Assembly in 1852. This act<sup>8</sup> gave the county courts specific responsibility in the establishment of schools throughout the several counties of the territory. With its enactment it became the duty of the county courts to divide, or cause to be divided, the various counties into appropriate school districts. The same law gave the county courts the responsibility of appointing within the various counties a board of examiners composed of three competent men "whose duty it shall be to hear, and determine the qualifications of school teachers."<sup>9</sup> In 1854 the Legislative Assembly amended the school law; but the responsibilities of establishing school districts throughout the counties, appointing the examining committee, and later consolidating or otherwise altering school districts, remained with the county court for years to come.

*Salt Lake County Court and the school districts.*—The legislative Assembly passed the act on March 3, 1852, that gave the county courts the responsibility of creating school districts. On March 16, the second day of the court session, the Great Salt Lake County Court took action that initiated the first school districts and appointed the first teacher examining committee. The court record of that date states:

Be it ordered:

That the Clerk notify the Bishops of the several wards in Great Salt Lake County forthwith in writing to cause a public meeting of the inhabitants of

<sup>8</sup>*Laws of the Territory of Utah, 1852, sec. 2 of "An Act in Relation to Common Schools."*

<sup>9</sup>*Ibid.*, sec. 3.

their respective wards, and cause their wards to be laid out into a school district or districts with the Boundaries thereof properly defined and report the same to the County Court as early a date as practicable.

Be it (further) Ordered,

That Orson Spencer, Albert Carrington and Jesse W. Fox be and are hereby appointed inspectors of School teachers in and for Great Salt Lake County to determine their qualifications and grant certificates to such as they may think qualified to teach school.<sup>7</sup>

When the county court reconvened the following month (April 12) the first item of business that came up for consideration was to determine whether or not the order "to the Bishops of the several wards. . . . had been executed."<sup>8</sup>

June 7, 1852, the county court of Great Salt Lake County was again in session and on that date "took into consideration the dividing of the County into School Districts."<sup>9</sup> Great Salt Lake City was divided into school districts numbering from 1-17 inclusive, and also No. 19, making a total of eighteen districts within the city. Districts No. 18, and from No. 20 to 32 inclusive, were given boundary by the court. These were within the county, but outside of the city. The court ordered the boundary of the several districts published in the *Deseret News*.

In keeping with the legal mandate, the county court ordered that "the Bishops of Great Salt Lake County be requested to cause an Election to be held in the several school districts in their respective Wards on or before the first day of August next for the Election of Trustees in accordance with the provisions of an act of the Legislative Assembly of the Territory of Utah regulating the same."<sup>10</sup>

The determination of the county court to comply with what it regarded a mandate may be noted by the fact that occasional conflict arose between the court and the city council of Great Salt Lake City, as it did in other cities that had been granted charters. On January 19, 1851 (hence preceding the act that gave the county court certain school jurisdiction) the general assembly passed an ordinance incorporating Great Salt Lake City and giving the city council "power and authority. . . . to establish, support, and regulate common schools."<sup>11</sup> The city council proceeded to control the schools within the incorporated city, but the court continued

<sup>7</sup>*County Court Records of Great Salt Lake County*, March 16, 1852, pp. 1-2.

<sup>8</sup>*Ibid.*, p. 3.

<sup>9</sup>*Ibid.*, p. 10.

<sup>10</sup>*Ibid.*, p. 15.

<sup>11</sup>*Laws of the Territory of Utah*, 1851, secs. 10 and 11 of "An Ordinance to Incorporate Great Salt Lake City."



to carry on certain details in the administration of the schools. The journal of the city council up to and including much of the year of 1853, indicates that the two governing bodies had some disputes about the right of assessing and collecting taxes. On one occasion, Elijah F. Sheets, of the city council "made some remarks on the lines of the City for School Districts as appearing a difficulty and considered that it was important that the question of rights should be settled now."<sup>12</sup>

*Utah County Court and its first school functions.*—On April 19, 1852, the Utah County Court convened and on that day divided Utah County into fifteen school districts and gave boundary to each. District No. 1 commenced at the northwestern portion of the county (then Utah Valley). No. 2 was adjacent thereto, but southward and eastward. The increasing numbers extended to the southern extremity of the county. Following this act, the court appointed John Banks, Alanson Norton, and Joseph Kelly as the "examiners of Common Schools for this County,"<sup>13</sup> and thence appointed "Judges of election in the different School Districts throughout the county" and called an election for May 15, 1852, to elect school trustees.<sup>14</sup>

Weber County Court divided the county of Weber into ten school districts and gave boundary to each. Continuing, the record states:

After the court had made or arranged the foregoing school Districts, they proceeded to make the selection of three persons which should form a Board of Inspection for the said Districts to inspect all the School Teachers, which might offer themselves for the several Schools or any one of them. They made the following selection of Lorin Farr, David Moore, B. F. Cummings for the Board of Inspection according to Territorial Law.<sup>15</sup>

On August 16, 1852, while the court was in session, it was "ordered by the County Court of Weber County that a School meeting be held by the inhabitants of each school District in Weber County on the first day of September, 1852, for the purpose of Electing three School Trustees in each School District."<sup>16</sup>

The Weber County Court altered the district boundary lines from time to time as a result of the petitions of the people. New districts were added, the areas of older ones were changed, and later consolidations were effected. Within the court record the

<sup>12</sup>*Journal of the City Council of Great Salt Lake City, Book A., p. 75.*

<sup>13</sup>*Utah County Court Record, Book A., p. 10.*

<sup>14</sup>*Ibid.*

<sup>15</sup>*Journal of the County Court of Weber County, Book A., p. 9.*

<sup>16</sup>*Ibid., p. 10.*

following may be noted among the changes made after the original creation of districts: On June 4, 1860, Bingham's Fort School District was created. On September 3, 1860, Plain City School District was organized. December 3, 1860, the 6th School District boundary line was changed. June 2, 1862, Hot Springs School District was organized. On March 3, 1863, the 14th and 15th school districts were created. The Central School boundary line was altered by petition of the people residing therein on June 6, 1864. School District No. 7 was changed on September 5, 1864, and during the September term of the county court in 1865, No. 17 School District was given boundary. On September 2, 1867, the county court changed the boundary lines of the 6th district to its original territory, and on September 14, 1868, in keeping with the request of petitioners, the boundary line of the 8th School District was altered by the court.<sup>17</sup>

Smaller and more remote counties likewise complied with the territorial law. For example, on March 3, 1856, the Box Elder County Court divided Box Elder County into two school districts as follows:

No. 1 Box Elder district bounden as follows, South by the three Mile Creek, between Box Elder and Willow Creek Settlements on the East, West and North by the County line of Box Elder County.

Willow Creek District bounden as follows, on the north by the three Mile Creek, between Box Elder and Willow Creek Settlements on the East, West and South by the County line of Box Elder County.<sup>18</sup>

On September 3, 1860, Box Elder County was divided into five school districts by the court.<sup>19</sup> and by June, 1861, it was re-divided into seven school districts.<sup>20</sup> The county court of Box Elder called the residents together at a meeting held in School District No. 1 for the purpose of electing school trustees and voting a tax. The following note appears in the county court record of April 15, 1856:

At a meeting of the inhabitants of said School district held at the School House in Brigham City according to previous notice on the 10th day of March, 1856, Lorenzo Snow, Samuel Smith and Joseph Grover were unanimously elected trustees for said School District. . . . It was also voted that a tax of one per cent be assessed and collected on all taxable property in said district, to be applied to School purposes during the present year and that Joseph Grover be the assessor and Collector to assess and collect said School tax according to the above rate per cent for the present year.<sup>21</sup>

<sup>17</sup>*Ibid.*, miscellaneous pages covering the period from 1860-68.

<sup>18</sup>Box Elder County Court Records, Book A., 1856.

<sup>19</sup>*Ibid.*, p. 52.

<sup>20</sup>*Ibid.*, p. 62.

<sup>21</sup>*Ibid.*, p. 7.

Likewise, at the March 3 term of court, "Lorenzo Snow, Johnathan C. Wright and [Mr.] . . . Henderson were appointed a committee of Examination to determine the qualification of School Teachers."<sup>22</sup>

*Cache County Court and the schools.*—Although Cache County was not among early counties of Utah that were inhabited, when the settlers did go there and establish homes and build schools, the court of the county functioned in establishing school districts, appointing examiners, and doing other duties that were necessary for the operation and maintenance of schools. The first temporary organization of Cache County was effected April 4, 1857. Several years passed before the valley as a whole was inhabited. By 1860 the Cache County Court was at work in appointing the board to examine teacher candidates. On December 4 of that year the court appointed "William B. Preston, S. M. Blair and James H. Martineau. . . . a Board of Examination for School teachers for the County."<sup>23</sup> From time to time other examiners were similarly appointed.<sup>24</sup> As in the case of other counties, residents appeared before the county court and requested new school districts, or alterations in the boundary lines of those units already in existence. For example, on March 9, 1875, "a petition of the inhabitants of the western portion of Hyde Park precinct [was presented] praying for the organization of a school district which was granted."<sup>25</sup> As indicated above, the county courts for a prolonged period of time possessed a legal right to consolidate schools and school districts, and did consolidate certain districts. For instance, at the December term of Utah County Court in 1875 "County Superintendent Wilson Dusenberry presented communication of John E. Booth, Secretary of meeting of the citizens of Provo City, Spanish Fork and Santaquin, requesting the County Court to form said cities into one School district and recommending that the County Court re-establish the County School Districts."<sup>26</sup> As a result of this recommendation certain districts were consolidated, and Provo City was made one district.

*Early county courts gave financial aid to education.*—Following the enactment of the law of 1860 which required the county courts to appoint a county superintendent of schools until one was elect-

<sup>22</sup>*Ibid.*, p. 3.

<sup>23</sup>*Cache County Record of the County Court, Book A.*, p. 19.

<sup>24</sup>*Ibid.*, p. 70.

<sup>25</sup>*Ibid.*, pp. 257-58.

<sup>26</sup>*County Court Records of Utah County, Book A.*, pp. 266-67.

ed, the courts paid all or part of the salary of this school official. Such an example may be noted in the instance of Cache County. Beginning in 1866,<sup>27</sup> and extending well into the following decade, the courts were petitioned to pay the salaries of the county superintendent. The requests were customarily granted<sup>28</sup> and came from a number of the school officials.<sup>29</sup> We are not justified in any conclusion that the courts awarded whatever financial assistance was requested without partial control of the schools. The records plainly indicate that these educational leaders were critically questioned concerning their administration when they appeared before the courts, and only as the courts were convinced that the school management was efficient, was aid given. Probably at no time in Utah's educational history was the source of school revenue and the control of the schools more a single unit than when these were embedded in the early county courts.

Additional evidence justifies the conclusion that the Cache County Court gave financial assistance to other phases of the educational program within that county. For example, on January 6, 1873, "The School Trustees of Logan City [appeared before the court] asking an appropriation for the use and benefit and to assist in establishing a High School in said city."<sup>30</sup> An appropriation of \$200 was made for this purpose. Additional petitions were received by the court from the Logan City trustees for the benefit of the high school on December 10, 1877, and again on March 4, 1878. The close financial relationship between the county court and the Logan trustees may be noted by the fact that on the latter date the trustees presented a complete report of the financial status of the high school of Cache County.<sup>31</sup>

The county court likewise was an important agency in administering territorial funds. In 1874 the Legislative Assembly passed an act requiring an appropriation of \$15,000 yearly "for the use and benefit of common schools" and herewith began the pattern of central financing of education that has been so helpful to the local districts in Utah. As a part of this act the county treasurers were required to keep a separate account of all territorial school funds and to "make a report to their respective County Courts, once each year."<sup>32</sup>

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<sup>27</sup>*Cache County Record of the County Court, Book A.*, p. 83.

<sup>28</sup>*Ibid.*, p. 176.

<sup>29</sup>*Ibid.*, p. 242.

<sup>30</sup>*Ibid.*, p. 202.

<sup>31</sup>*Ibid.*, p. 328.

<sup>32</sup>*Laws of the Territory of Utah, 1874*, "An Act Appropriating Money for School Purposes." Approved February 20, 1874.



The county courts gave financial aid to teacher training.—The problem of maintaining adequately trained teachers in early Utah was one that gave much concern to the school officials and to the county courts. On February 18, 1786, an act was passed appropriating territorial revenue for the operation of the common schools, and therewith a small amount was given to the normal school of the University of Deseret. This territorial money was to be appropriated to the university for teacher education purposes, "provided, that forty pupils annually shall be instructed free of charge, for tuition, books, or apparatus, for one year in the normal department of said university."<sup>33</sup>

When the university chancellor, Daniel H. Wells, wrote his report of the university the first year following the enactment of this law, he declared the county superintendents and the county courts were responsible for initiating the plan of having the territory give financial aid to teacher education.<sup>34</sup> An example of actual financing of teacher training by the county courts may be noted in the instance of the Utah County Court. This agency gave financial aid to the normal training department of Brigham Young Academy for many years. The academy was founded in 1875, and on November 10, 1876, Superintendent W. H. Dusenberry "submitted a petition [to the Utah County Court] asking aid for the support of the normal class now being taught by Professor Karl G. Maeser; also stated that he contemplated extending the operations of this class by having a series of lectures delivered on Saturdays by Professor Maeser to the Teachers of the County."<sup>35</sup>

The court became convinced that it should pay for the tuition of the academy "pupils" who would take the normal training. The record states: "The superintendent was instructed to notify the citizens of this county that the court will provide the tuition for 26 pupils to attend the said normal class and the academical department of the Brigham Young Academy."<sup>36</sup>

The court became so enthusiastic in the plans for teacher training that it not only approved paying the tuition of the normal students, but also instructed the superintendent "to organize a Normal institute for the teachers of the County, to be held on Saturday during the winter."<sup>37</sup> At the close of the school year of

<sup>33</sup>*Laws of the Territory of Utah*, 1876, sec. 20 of "An Act providing for the Establishment and Support of District Schools, and for other Purposes." Approved February 18, 1876.

<sup>34</sup>Daniel H. Wells, Chancellor's Report of the University of Deseret, *Journal of the Legislative Assembly of the Territory of Utah*, 1876, p. 122.

<sup>35</sup>*County Court Record of Utah County*, Book A., p. 322.

<sup>36</sup>*Ibid.*

<sup>37</sup>*Ibid.*

1876-77, Superintendent Dusenberry appeared before the county court and reported the success of the normal school pupils at the academy. Moreover, he assured the court that its interest and generosity were justified. He also provided a situation in which the court witnessed the "proficiency of the Normal class of the Brigham Young Academy."<sup>38</sup> On June 5, 1877, the superintendent told the court that public interest was so keen in the normal training that applications were already being made for the new term that was to begin the following August.

The county court records contain the proceedings showing that on different occasions and for several years, the county superintendent of schools appeared before the court and gave a report of the progress made by the normal pupils and asked the court for additional funds to defray the expenses incurred in the normal department. On September 2, 1879, "Wilson H. Dusenberry, Ex-county Superintendent. . . . and Milton H. Hardy, County Superintendent of District Schools [appeared before the court]. . . . reciting the great benefits being derived to the schools of the county by the maintenance of this department, and asked the Court to continue its fostering care over the same."<sup>39</sup> On June 18, 1880, and again on September 6, 1880, Superintendent Hardy appeared at the court and enumerated the advantages of the training and requested the court to continue to give financial support. July 15, 1881, Hardy "submitted a report of the attendance of Normal pupils from this county in the Brigham Young Academy for the academic year ending June 17, 1881."<sup>40</sup> The superintendent's report indicated that twenty-one pupils had attended. The tuition cost was \$555, most of which had been previously paid, and the balance of \$145 was at that time paid by the court. On August 14, 1882, Superintendent Hardy again met with the court and requested funds to assist the "normal pupils." His request was granted with instructions that he "fill said class with equal number of males and females as far as possible."<sup>41</sup>

George H. Brimhall began his term of office as county superintendent of schools in 1883, and continued to seek financial aid from the court as his predecessor had done. The court records of December 4, 1883, state, "The semi-annual report of George H. Brimhall, County Superintendent of District Schools, was presented and read showing the condition of the District Schools

<sup>38</sup>*Ibid.*

<sup>39</sup>*Ibid.*, p. 494.

<sup>40</sup>*County Court Record of Utah County, Book C.*, p. 18

<sup>41</sup>*Ibid.*, p. 53.

throughout the County." Brimhall asked the court for "\$200 to pay tuition of said normal class."<sup>42</sup> His request was granted.

On September 7, 1885, Brimhall presented in tabulated form his report of the normal class at the academy for the year ending June 17, 1885, showing the expense of maintaining said class to be \$400, of which \$300 had been appropriated; and "petitioned the Court to favor appropriation for the remaining \$100, and for the favorable consideration of the continuance of said class."<sup>43</sup>

Various county agencies have influenced education. The county treasurers, collectors, and assessors have long played an important part in handling school funds. The county commissioners, likewise, have had much to do with creating new school districts, altering those already existing,<sup>44</sup> and in cooperation with the county superintendents, have served in the establishment of high-school districts and in administering the first high schools. Until 1945 it was necessary for any district board of education, when desiring to exceed a specified tax levy limit, to obtain permission of the county commission in order to appear before the joint commission consisting of the state board of education and the state tax commission. Historically, perhaps the major function of the county commission in administering the schools was the right of this body to appoint a county superintendent in case a vacancy occurred.<sup>45</sup>

*The county as a unit in teacher organizations for educational purposes.*—Immediately after their appointments in 1860 some of the county superintendents began to plan county-wide organizations of the teachers and other school officials for educational purposes. One such instance may be noted when Utah County Superintendent C. D. Evans, who served from 1860 to 1868, called a convention of all teachers and trustees to be held in the old seminary building at Provo, July 26, 1860. They formulated and adopted resolutions stating, "That we will endeavor to ably and faithfully accomplish our mission to the children committed to our care; and to this end, we will seek to improve ourselves in order that we may be thoroughly qualified to instruct others." They urged "upon the public of Utah County to sustain their school teachers and to make common cause with the county superintendent and trustees for the benefit of common schools."<sup>46</sup> On May

<sup>42</sup>*Ibid.*, p. 102.

<sup>43</sup>*Ibid.*, p. 178.

<sup>44</sup>*Laws of Utah*, 1911, sec. 1, amended.

<sup>45</sup>*Laws of Utah*, 1896, ch. 130, sec. 65.

<sup>46</sup>*Utah County Teacher Association Record*. (On file at the office of Provo City Board of Education.)

4, 1861, at a county convention in Provo, Utah County, the assemblage of teachers and school officials agreed "that a school teachers' and trustees' association for this county be formed." A constitution was written and by-laws formulated and on the following day adopted and the organization effected.<sup>47</sup> There was born a county organization which was an effective educational agency for a half century.

The county teacher organization plan for educational purposes received some attention throughout the territory. Under date of August 15, 1860, the *Deseret News* contained an editorial commenting favorably upon the Utah County policy and suggested that "other counties will profit by the example that has thus been set."<sup>48</sup>

### THE COUNTY SUPERINTENDENT OF SCHOOLS

*Status of the early county superintendent.*—For more than four-score years the county superintendent of schools has held one of the most important of all school positions. His function and place in education in Utah has been one of gradual and relatively consistent growth. With but few exceptions he has displayed educational leadership in the schools of the counties; and probably more than any other school official, except territorial and state superintendents, has shown the benefits of county organization as an effective means of administering the schools.

The Legislative assembly of the territory passed an act on January 20, 1860, "creating the office of County Superintendent of Common Schools, [and] defining his duties."<sup>49</sup> An additional educational function of the county court was the appointment of the county superintendent, who was to hold his office until it was filled by the general vote of the people at the oncoming election. This significantly important school position became an elective one during the first years. The act specifically states, "at every general election. . . . each county shall elect a competent person to fill the office of county superintendent of common schools, who shall hold his office until his successor is elected and qualified."<sup>50</sup>

This new school official was to qualify by taking an oath to perform faithfully the various duties of his office. He was required to give bonds with security that were to be approved by and filed with the probate judge of the county. In case of the forfeiture of

<sup>47</sup>*Ibid.*

<sup>48</sup>*Deseret News*, Vol. X, August 15, 1860.

<sup>49</sup>*Laws of the Territory of Utah*, 1860, ch. 6, sec. 1.

<sup>50</sup>*Ibid.*



the bonds, the "benefits" were to go to the county treasurer for the advancement of the common schools of the county. The law prescribed in some detail the duties of the county superintendent. He was required:

1st, To take the general supervision of schools in his county; 2nd, To visit officially, at least once in each year, the schools under his supervision, and see that the school trustees are diligent in the discharge of their duties; 3rd, To superintend in the manner and to the extent to be prescribed by the law, all business matters connected with the public school domain within his jurisdiction; 4th, To keep a correct account with the county treasurer, and also with the trustees of school districts, of all funds received or disbursed for school purposes; 5th, To audit all school accounts against the county treasury, and deliver his warrant for payment thereof; 6th, To make an annual report to the Territorial superintendent of common schools on or before the first Monday in November in each year, stating the particulars contained in the trustees and teachers' reports.<sup>61</sup>

The significance of this law is seen only in the light of the development of the educational program. One of the important features in bringing about county consolidation of schools was the requirement made by law of the county superintendent to "see that the school trustees are diligent in the discharge of their duties." This gave the superintendent some supervisory control over them. In the years to come the county superintendents repeatedly complained about the lack of interest and effort on the part of the local school officials. This undoubtedly did much to eliminate the small district trustees, and over a half century later to establish a complete county consolidation organization. It is likewise important that the county superintendent had charge of all business matters connected with the public school domain within his jurisdiction. Such responsibilities tended to influence voters in electing individuals who could furnish leadership in the educational program. Still another significant part of this law was the relationship between the county and the territorial superintendents. The former was required by law to make an annual report to the latter. This part of the law pointed the way in which school organization was to develop in Utah and was the beginning of centralization of educational control. Provision was made by this law, and forms were provided therewith, on which the trustees were required to report to the county superintendent. Similarly, teachers were compelled to report to the county superintendent, thereby establishing a line of authority from the territorial superintendent to the county superintendent, then to the local trustees

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<sup>61</sup>*Ibid.*, sec. 3.

and teachers on the one hand, and directly from the county superintendent to the teachers on the other.

In 1862 the Legislative Assembly amended the law of 1860, and made school organization more compact by creating a closer relationship between the county and the territorial superintendents. The later law required the county superintendent to enter in the record "every official return made. . . . by the school trustees and school-teachers, and keep the same in their offices subject to the inspection of the Territorial Superintendent and the County Courts"<sup>52</sup> of the various counties.

The Legislative Assembly made certain modifications of this law in 1865. The relationship between the county and the territorial superintendents was broadened. This law added an additional "report form" for the county superintendent to report to the territorial superintendent. The new law provided for the territorial and county superintendents to select the textbooks that were to be used. Under the newer law the county superintendents were authorized to regulate "the school terms, allowing such holidays and vacations as in their judgment shall be advisable."<sup>53</sup>

The amended school law of 1866 made very little difference in the legal requirements of the county superintendent. There was some strengthening of his responsibility in handling of the school finance. The 1868 law authorized and required the county superintendent to proceed against all "delinquent County Pound Keepers or other parties who have failed or shall fail to pay into the respective County Treasuries the school funds due said treasuries, or which may hereafter become due arising from the sales of stray cattle or from any other sources and shall pay all amounts thus collected into said treasuries."<sup>54</sup>

#### THE PROFESSIONAL DEVELOPMENT OF THE COUNTY SUPERINTENDENT

*First superintendents were not professionally trained.*—The first county superintendents were not professionally trained as school administrators. Most of them were men who had manifested some interest in education, either from a desire to serve as a public servant, or perhaps from having had some teaching experience. They were dependent on the votes of the people for

<sup>52</sup>*Laws of the Territory of Utah*, 1862, sec. 3 of "An Act in Relation to the Superintendent of Common Schools."

<sup>53</sup>*Laws of the Territory of Utah*, 1865, sec. 8 of "An Act Consolidating and Amending the School Laws."

<sup>54</sup>*Ibid.*

election to this county office. The salaries they received for their services were very meager and were paid by the county courts. These court records indicate the amount of work accomplished and the salary received; for example, the Cache County Court records dated February 5, 1866, state that the court considered paying certain county bills. On that date "William Budge as School Superintendent. . . [presented a bill for] \$75.00. . . The School Superintendent, in presenting his bill, said it was for one year and observed that he had considerable duties to perform that actually belonged to School Trustees, & that the time occupied in those duties fully justified him in presenting that bill."<sup>85</sup> Near the end of the calendar year (December 13, 1866) the record states that "Bill of W. Budge for services during the year 1865-66 as Superintendent of Common Schools, presented and on motion allowed amounting to \$75.00."<sup>86</sup> This annual salary was apparently increased by the 1870 decade. Different entries during that year indicate that the annual salary was \$125. Such a statement appears on September 21, 1874: "The petition of Samuel Roskelley praying for an appropriation of \$125.00 for services rendered as School Superintendent was granted."<sup>87</sup> Regardless of salary, however, the school records give evidence that the county superintendent soon surpassed the local trustees as an effective officer in school administration. The territorial superintendent reported to the legislature in 1866 that "much apathy and indifference exists with trustees, insomuch that unless the county superintendent acts with the most unwearied diligence complete reports will never be obtained."<sup>88</sup> Such complaints were duplicated in subsequent reports. The following year he said that the failure of the trustees to do their legal duties "is reprehensible."<sup>89</sup> Similarly, one can trace this problem in many later reports of the territorial superintendent.

The reports of the territorial superintendent reveal that all of the county superintendents were not equally well qualified for, nor interested in, their professional duties. In his report of 1870 the superintendent said:

Where County Superintendents take pleasure in visiting the schools under their supervision improvement is manifest. . . . Wherever the County Superintendents do not enjoy the spirit of their calling the school interests are retarded, and it would be a blessing if such would resign their station and give room for those who would do the good for which the office was instituted.<sup>90</sup>

<sup>85</sup>Record of the Cache County Court, Book A, p. 67.

<sup>86</sup>*Ibid.*, p. 83.

<sup>87</sup>*Ibid.*, p. 242.

<sup>88</sup>Robert L. Campbell, *Territorial School Report*, 1866, p. 157.

<sup>89</sup>Robert L. Campbell, *Territorial School Report*, 1867, p. 6.

<sup>90</sup>Robert L. Campbell, *Territorial School Report*, 1870, p. 192.



The opinion of this territorial school official indicates that he looked forward to the development of the county superintendency at this relatively early date, and that he placed emphasis on its importance. In his report of 1871 he said:

Upon the efficiency of this officer [the County Superintendent] much of our educational success depends. When the time arrives that county courts have funds sufficient and are so fully alive to school interests that they will be willing to employ practical educators of ability, allowing such a salary as will adequately compensate a county superintendent for the employment of so much of his time as may be necessary for the direction and regulation of the school in the county, then a step will be taken which cannot fail of producing a revolution greatly needed in our school system.<sup>61</sup>

The Legislative Assembly enlarged the school law in 1876. At that time the professional phases of the county superintendent's work were increased. Formerly, he had been required to visit the schools once a year. The later law stated that he "shall take the general supervision of the schools in his county, and visit them at least twice in each year."<sup>62</sup> He and the territorial superintendent formerly selected the textbooks. In 1876 the law provided that the county superintendents, the territorial superintendent, and the president of the university, or a majority of them, decide what textbooks should be used. Their selection was to be mandatory in all of the districts of the state.<sup>63</sup>

The law of 1876 established a fund of twenty-five thousand dollars of territorial money to be used for educational purposes. Five thousand dollars of this amount was allocated to the university, providing that forty pupils annually could be given instruction free of charge in the normal department for one year. These were to become teachers in the various counties. The county superintendents were to make the nominations of these pupils. Teachers, in general, had meager training at this time, and county superintendents were concerned about this lack of training. This progressive legislation, therefore, was one means the county superintendents used to improve the qualifications of teachers.

The law of 1874 required the county superintendent to report to the territorial superintendent, on prescribed forms, the number of children between four and sixteen years of age. This census enumeration was used at that time for state allocation of school money. The trustees were to provide "a good school" for at least three months, to be eligible to participate in territorial funds; but

<sup>61</sup>Robert L. Campbell, *Territorial School Report*, 1871, p. 2.

<sup>62</sup>*Laws of the Territory of Utah*, 1876, sec. 17, of "An Act Providing for the Establishment and Support of District Schools, and for other Purposes."

<sup>63</sup>*Ibid.*, sec. 16.



in 1876 this law was modified in such a way that the county superintendent was given increased responsibility and leadership in the financial problems of the schools. The territorial apportionment was made by the territorial superintendent and was "based upon the annual reports of the county superintendent."<sup>64</sup> The territorial superintendent was required to report to the county superintendent, "setting forth the amount allotted to each county."<sup>65</sup>

The 1880 law extended the professional responsibility of the county superintendent by requiring him to be a member of the board of examination to determine the teacher's qualifications. As time passed he tended to become the most influential individual on this commission. By law he was chairman, and often was greatly concerned because of the inefficiency of the other members. His importance as a member of this examining board increased until in 1901 he was given legal authorization to appoint the other two members of the committee, and the county commissioners were empowered to remove these associate members upon the recommendation of the county superintendent.<sup>66</sup>

In 1890 the school law was amended and again enlarged. The professional qualifications and responsibilities of the county superintendent were further increased. On the other hand, limitations to high quality of educational leadership may be noted in the legal requirement that this school official "be a registered voter" in the county, thereby precluding any but a local resident from serving in this educational capacity. In case of the appointment of a deputy, the latter likewise "shall be a registered voter."<sup>67</sup> This law provided for the election of a county superintendent at the general election of 1891 and biennially thereafter. This county school official was given the responsibility of determining the correctness of school boundary lines and was required to report to the county court any boundaries in conflict or not clearly described. The distinctive features of his new duties centered about the more professional functions of the office. He was required to visit each school under his supervision at least twice each year "and oftener if necessary to increase its usefulness."<sup>68</sup> At the time of his visits to the school he was to "carefully observe the condition of the school, the mental and moral instruction given, the methods employed by the teacher, and the progress of pupils."<sup>69</sup> Other pro-

<sup>64</sup>*Ibid.*, sec. 21.

<sup>65</sup>*Ibid.*

<sup>66</sup>*Laws of Utah*, 1901, ch. 117, sec. 1.

<sup>67</sup>*Laws of the Territory of Utah*, 1890, ch. 72, secs. 8 and 19.

<sup>68</sup>*Ibid.*, sec. 11

<sup>69</sup>*Ibid.*

fessional responsibilities required him to advise the teachers and direct them "in regard to the instruction, classification, government and discipline of the school and the course of study."<sup>70</sup> His judgment of their ability "to teach and govern" was considered the teacher's rating.

The responsibility given to the county superintendent of visiting schools and making reports thereon continued, and the importance of this duty, according to the law, increased even before partial and complete county consolidation of schools came in 1905 and 1915. In 1905 the law making county consolidation of schools optional required the county superintendent to file with the state board of education the information that he had secured and recorded while visiting schools as an official supervisor. This information was used "for or against teachers at the time of their examination for certificates."<sup>71</sup> The same procedure was required in the law of 1907.<sup>72</sup>

The county superintendent of schools was to decide all controversies "pertaining to discipline, arising in the administration of school law in his county or appealed to him from the decision of school trustees."<sup>73</sup> It became the responsibility of the county superintendent to see that the pupils were instructed in "the several branches of study, required by law to be taught in the schools, as far as they are qualified to pursue them."<sup>74</sup> Should a teacher be neglectful in teaching those things prescribed by law, it became the duty of the county superintendent to report the teacher to the county board of examiners, who in turn were to investigate, and in case the teacher was guilty, her certificate was revoked and she was discharged. This gave the county superintendent special recognition inasmuch as he was the chairman of the board of examiners.

The growing importance of the county superintendent as a leader in education may again be noted by the fact that the new law made it mandatory for him to hold annually a "teachers' institute for the instruction of teachers, and those who desire to teach."<sup>75</sup> The institute session was to be one of not less than two, or more than five days. The county was required to pay the expense of the institute not to exceed \$50 in any one year. Union institutes were authorized in which two or more counties united

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<sup>70</sup>*Ibid.*

<sup>71</sup>*Laws of Utah*, 1905, ch. 64, sec. 1 amended.

<sup>72</sup>*Laws of Utah*, 1907, ch. 58, sec. 1 amended.

<sup>73</sup>*Laws of Utah*, 1890, ch. 72, sec. 14.

<sup>74</sup>*Ibid.*, sec. 16.

<sup>75</sup>*Ibid.*, sec. 20.

to hold these educational gatherings. In case of such union, \$50 for each county concerned was allocated. The importance of the county superintendent's functions may be further noted by the fact that he was given the right to appoint a deputy to assist him. The deputy's salary under the law of 1890 was to be \$4.00 per day and he was to be paid on the basis of 5 cents per mile for traveling while on official duties.

With the creation of a state board of education in 1896, the certification of teachers and superintendents was gradually and completely controlled by the board. This first law required the superintendent of schools to have a "valid certificate of a grade not lower than the grammar."<sup>76</sup> This was the highest certificate issued by the county examining board. Herein was the culmination of the professional progress of this school official during the nineteenth century, for during the earliest history of Utah there is evidence that the county superintendent was looked upon as an officer not essentially required to be professionally trained.

Throughout the first years following the inauguration of the county superintendent, the office was elective. Following the pattern of city consolidation in 1890, in which the board of education appointed the superintendent of schools, the county consolidation law of 1905 required the county board of education to appoint a superintendent for a term of two years.<sup>77</sup> This was a progressive step toward increasing the efficiency of this educational executive. The distinct advantage made in changing from the politically elected school official to the carefully selected and appointed executive may be noted in the statement made by State Superintendent E. G. Gowans following county consolidation:

A second advantage of consolidation lies in the separating from politics of the office of county superintendent. Under the present law the board can deliberate carefully on the qualifications of candidates from any part of the county and can select a well qualified person, just as the directors of a corporation may select an efficient manager, without regard to politics, religion, or previous residence. The superintendent is answerable to the board and to the people through the board and not to any political organization.<sup>78</sup>

Not only trustees and county school boards, but also city school boards failed to give immediate recognition to the superintendent as the educational expert and the executive of the board. This is shown in the case of Salt Lake City soon after the con-

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<sup>76</sup>*Laws of Utah*, 1896, ch. 72, sec. 24.

<sup>77</sup>*Laws of Utah*, 1905, ch. 107, sec. 11.

<sup>78</sup>E. G. Gowans, *Eleventh Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1916*, p. 116.



solidation of that city's school districts. The first reports were prepared by the board of education. Committees were assigned to do technical work. One of these committees "expresses its unqualified approval of the work of the superintendent in . . . rendering valuable assistance to the committee in the preparation of the curriculum and rules and in classifying the work."<sup>70</sup>

This objective of making it mandatory for the county and city boards of education to select an educational executive was the culmination of much effort on the part of educational leaders. For more than sixty years local trustees had given but very little assistance, and significant educational leadership was entirely lacking from this source. It was generally known that the schools' progress would be commensurate with the ability of the individual or individuals who served as professional leaders. Politically elected superintendents were an improvement over trustee supervision; but many men of ability were not willing to seek an educational position through a political party. At a time in Utah's educational history when the cities, and a few of the more populous counties, were receiving the benefits of the quality of educational leaders serving as superintendents, State Superintendent A. C. Nelson gave a significant description of the function of this official in an executive and supervisory capacity:

The county superintendent of schools occupies a very important position in the administrative affairs of our school system. The efficiency of the schools under his supervision will depend, in a large measure, upon his ability to organize his work and to secure the hearty cooperation of teachers and school boards. He should be a man of broad, educational preparation and of extensive and successful teaching experience. To inspire and hold the confidence of his teachers and school board members, he must be looked upon as a man fitted by nature and by training for his special work. Without these qualifications he fails in the elements of leadership and without leadership his work is sure to fall short of that justly expected from him. . . .

One of the most apparent weaknesses in our country schools today is a lack of expert supervision. The schools in our cities have grown in effectiveness and efficiency because competent supervisors are provided. Our city superintendents are selected with care. The same caution should be exercised in selecting our county superintendents. . . . One of the most important educational problems before our state today is improvement in the supervision of our county schools. In our consolidated county districts this problem has been solved quite effectively. . . . The educational and professional requirements of the county superintendents should be increased. Under the present law, the holder of a county certificate of grammar grade is eligible, so far as scholarship is concerned, to election of the office. This standard is far too

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<sup>70</sup>*First Annual Report of the Public Schools of Salt Lake City, for the Year Ending June 30, 1891, p. 87.*



low. The law should be changed and at least a state diploma of grammar grade should be required by way of professional and scholastic attainment.<sup>60</sup>

*Tenure of office of county superintendents.*—Available records are insufficient to ascertain the exact tenure of office of each of the county superintendents during the period when they were elected to that position. It is obvious, however, that most of these individuals remained in office only a short time, for it was the custom to be elected for one term only. Many held the position for two terms, and some for three, four, and even five. The 1870 territorial school report lists the following counties and the superintendents accompanying them. Each of these county superintendents of Utah held the office in 1868, with the exception of J. R. Porter, of Morgan County, who replaced John Seaman, and John Boyden of Summit County, who replaced Alonzo Winters. They are: Beaver, A. M. Farnsworth; Box Elder, Wm. L. Watkins; Cache, Wm. Budge; Davis, Arthur Stayner; Iron, Christopher J. Arthur; Juab, Thomas Ord; Kane, Sextus E. Johnson; Millard, John Kelly; Morgan, J. R. Porter; Rich, Jas. H. Hart; Salt Lake, R. L. Campbell; Sanpete, Wm. T. Reid; Summit, John Boyden; Tooele, A. Galloway; Utah, David John; Wasatch, Thos. H. Giles; Washington, Geo. A. Burgon; Weber, Wm. W. Burton.

The report for 1872-73 has the names of six county superintendents who appear in four consecutive reports. These and the counties in which they served are: Juab, Thos. Ord; Salt Lake, Robert L. Campbell; Sanpete, Wm. T. Reid; Tooele, A. Galloway; Wasatch, Thos. H. Giles; and Weber, W. W. Burton. Two superintendents of the above number are listed in one additional report (for 1874-75). These are: Sanpete, W. T. Reid, and Wasatch, Thos. H. Giles.

Other county superintendents who served three or more elective terms and who have played an important role in the educational development of territorial Utah are: Samuel Roskelley, of Cache County; A. Christensen, of Box Elder; Chester Call, of Davis; W. P. Nebeker, of Rich; L. F. Monch, of Weber; J. E. Dalley, of Iron; Andrew Love, of Juab; Wm. D. Johnson, Jr., of Kane; T. B. Lewis, of Salt Lake; John B. Maiben, of Sanpete; F. R. Clayton, of Beaver; T. C. Callister, of Millard; J. R. Clark, of Tooele; Milton H. Hardy, of Utah.

*Salaries of county superintendents.*—Not only was the early county superintendent's position uninviting because it was an of-

<sup>60</sup>A. C. Nelson, *Eighth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1910*, pp. 20-22.

fice that was filled through political election, but it was certainly not enticing because of the salary paid. In fact, the available evidence indicates that the quality of work, on the whole, was high in comparison to the money received. In the 1874-75 report the territorial superintendent said, "The County Superintendents have generally been very active in discharging the duties of their office, especially when it is considered that, in some instances, they receive no remuneration for their time and services rendered, and in others but a very meager sum."<sup>81</sup>

On that occasion the territorial official recommended that the county courts be more liberal in their appropriations to these school officials, thus enabling them "to devote more of their time in visiting the schools and advising with the teachers."<sup>82</sup>

Repeatedly in his reports the territorial superintendent urged an increase in salaries for the county superintendents. Rather forcefully the chief school official of Utah said in 1888-90, "The county superintendents' . . . compensation is scandalously small." Continuing he maintained, "Some of these superintendents are very efficient and energetic and do a large amount of work and yet their labors do not seem to be appreciated. A reasonable salary should be assured to them. . . ."<sup>83</sup>

At the turn of the century the state superintendent asserted: "The salaries of the county superintendents in many of the counties are so low that the person holding that office is obliged to resort to teaching or some other occupation in order to eke out his income. . . ."<sup>84</sup> Continuing, this territorial superintendent criticized the custom of paying the county superintendent less than other county officials whose training and responsibility were less than that of the school leader.

As late as 1904 Kane County paid an annual salary of \$75 to the superintendent of schools. At that time San Juan paid \$100, Rich paid \$125, and Iron, Piute, and Wayne each paid \$150. Salt Lake County paid the highest salary, which was \$1600. Utah and Weber counties each paid \$1200. It was not until county consolidation that superintendents' salaries were sufficient to pay for the services that might be expected in a position that demands professional training and educational leadership.

### The county superintendent and high-school consolidation.—

<sup>81</sup>O. H. Riggs, *Territorial School Report*, 1874-75.

<sup>82</sup>*Ibid.*

<sup>83</sup>Jacob S. Boreman, *Territorial School Report*, 1889-90.

<sup>84</sup>Emma J. McVicker, *Third Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1900*, p. 15.

In 1911 the legislature amended the law controlling high schools. Each county within the state, except those counties which constituted a school district of the first class and cities of the first and second class, comprised a high-school district until subdivided as provided by law. The county superintendent of schools was required to report to the county commissioners whether or not he thought the county should remain one high-school district or be divided into two or more high-school districts. The county commissioners were to receive his recommendation and in turn were to designate a day for hearing the evidence for and against such division. Due publicity was to be given the issue and citizens were to be heard on the problem at the appointed day for the hearing. If decision were made by the county commissioners to subdivide the county into two or more high-school districts, provision was made for these districts to be organized and directed by a high-school board of education. This board was to "be composed of the county superintendent of schools, and any member of the board of trustees of each common school district within the high-school district, who shall be elected by the board of trustees of such common school district."<sup>86</sup> This high-school board of education was to organize by electing one of its members as president and another one as vice-president. It was given the mandate to elect a clerk and a treasurer who were to give bonds to the boards of education. After organization the board was required to submit to the people the issue as to whether the high-school district should establish and maintain one or more high schools within the district; if more than one, then the number and the locations of the schools. The high-school board of education was given general administration of the high schools and was required "to do all things needful for the maintenance and success of the high school."<sup>86</sup>

*The county superintendent and county consolidation of schools.*—County superintendents assumed a major responsibility for county consolidation of schools. Former State Superintendent Matheson credits the county superintendent of Salt Lake County in 1904 with having suggested the plan for consolidation that ultimately led to the consolidation of that county.<sup>87</sup> With the exception of the state superintendent of public instruction, the leadership of this official in the solution of the issue of eliminating the small school district was second to none.

<sup>86</sup>*Laws of Utah*, 1911, ch. 31, sec. 7.

<sup>86</sup>*Ibid.*, sec. 12.

<sup>87</sup>A. C. Matheson, "Consolidation of School Districts," *Utah Educational Review*, Vol. VIII (May-June), p. 9.



*The county superintendent and the school law.*—The earlier territorial laws, as already indicated, gave the superintendent certain general administrative and supervisory responsibilities. These centered about the handling of school funds, holding institutes, visiting schools, attending conferences called by the territorial superintendent, and the compiling of reports. Since county consolidation statutes have been passed, the superintendent, insofar as the law is concerned, has had but a limited number of specific duties. In 1905 the law prescribed that every parent, guardian, or other person having control of any child between eight and sixteen years of age, should send such child to a public or private school for a minimum of twenty weeks during each school year. Exceptions were made where the child was taught in the home, where he had already acquired the "branches of learning taught in the district school," where the child was physically or mentally incapacitated, or where his services were needed to support a mother or an invalid father. The evidence of such exception had to be approved by the city superintendent or county superintendent of schools. In 1919 the law was amended to include children from six to eighteen years of age and attendance of thirty weeks of school. Provision was made whereby those from sixteen to eighteen years of age could be excused, but again the superintendent of schools was to determine the value of the evidence produced to justify the absence of the child. If this absence were justified, the superintendent was authorized to issue a certificate to the child excusing him from regular attendance at school. In 1928 the law pertaining to compulsory attendance was further amended and again the superintendent of schools was legally designated to determine whether the child might be excused from school.

With the creation by law of boards of education in counties of the first class, the significance of the county superintendent in handling school finance temporarily tended to decrease. These facts may be noted by the incident in 1874 when the Legislative Assembly of the territory passed an act appropriating money for school purposes. Fifteen thousand dollars of territorial money was at that time appropriated. It was the duty of the county superintendent to report the census enumeration of school children to the territorial superintendent to be used as a basis for the appropriation. The financial responsibility of the county superintendent increased until the law of 1890 which stated that "the



county superintendent of each county shall apportion the territorial and county school funds."<sup>88</sup>

The city consolidation law of 1890, and the first county consolidation law of 1905, were such that the boards of education definitely controlled and directed the educational program. The superintendents in each instance were not by law the executives of the boards of education for the operation of schools. This somewhat subordinate position of the superintendent has not remained as it was at that time. Gradually he has attained a status in keeping with modern educational theory. Recent laws, though limited in number and practice following board of education policies, have made this office one in which the superintendent has become responsible to the board for leadership with all that pertains to the schools. The legislature in 1925 passed "An Act providing that school district superintendents prepare and file with the board of education a tentative budget each and every year together with a statement of financial conditions of the district. . . ."<sup>89</sup> This same law further stipulates: "On or before June 30 of each year the board of education of each school district in the State of Utah shall adopt a budget for the next fiscal year and shall make apportionments to govern expenditures of said succeeding year. . . ."<sup>90</sup> This act was amended in 1927, again strengthening the importance of the superintendent in the field of school finance. The latter law provides that "The superintendent of each school district in the State of Utah shall be and act as budget officer of such district."<sup>91</sup> The law then requires him to prepare and file with the board of education a budget setting forth in detail the revenues and expenditures for the next year. The board is required to adopt "a budget" before June 30 of each year. The same law tends to strengthen the importance of the superintendent by stating, "No increase shall be made in any appropriation allowed except upon the written request of the superintendent setting forth the emergency necessitating such request."<sup>92</sup>

These statutes, still operative in Utah, make the superintendent of schools almost entirely responsible for the preparation of the budget and for the expenditure of the school funds. Boards of education approve the budget and the items for which the money is spent, but the expert work of handling the funds is all under the direction of the superintendent of schools.

<sup>88</sup>*Laws of Utah*, 1890, ch. 72, sec. 75.

<sup>89</sup>*Laws of Utah*, 1925, ch. 29.

<sup>90</sup>*Ibid.*, sec. 2.

<sup>91</sup>*Laws of Utah*, 1927, ch. 75, sec. 1.

<sup>92</sup>*Ibid.*, sec. 1.

## CHAPTER XIV

### THE ENVIRONMENT FOR LEARNING: BUILDINGS, EQUIPMENT, TEXTBOOKS, AND THE COURSE OF STUDY

#### SCHOOL BUILDINGS AND EQUIPMENT

*The first school buildings in Utah.*—The absence of buildings did not prevent the founders of Utah from maintaining schools. En route to the valleys of the Great Basin, and at times even after their arrival, school was held out-of-doors. At other times very temporary protection from the heat or cold was improvised. Describing the early schools in Utah, Levi Edgar Young quotes from the memoirs of Maria Nebeker, a sister of Mary Jane Dilworth, who taught the first school in Salt Lake Valley. This was an assemblage of children gathered together in a military tent used for a school house.<sup>1</sup> George Albert Smith, one of the colonists, reported a pioneer school in the winter months of 1851. This apostle of education and colonizer of Iron County declared that he “commenced a grammar school in (his) wicky-up.” This wicky-up, said he, “is a very important establishment, composed of brush, a few slabs and 3 wagons. . . . It answers for various purposes, kitchen, school-house, dining room, meeting house, council house, sitting room, reading room, storehouse.”<sup>2</sup>

Not infrequently a willow shade was used as the best available means of providing temporary cover for the school and for church services. Hannah Isabell Fawcett Nixon reports first-hand her experiences in the early days of “Dixie country” when tents were used for schoolhouses. At that place she says, “Bro. Calkins had a very large tent so they put it up east of our camp and used it for a meeting house and school house.”<sup>3</sup> In his “Sketch of Education” in Utah, written in 1875, O. H. Riggs described the first school in Davis County, taught by Mrs. Hannah Holbrook in 1858. This, said he, was “a kind of Indian wickiup, made of canes and willows.”<sup>4</sup> Another historical sketch of education in Utah, written at

<sup>1</sup>Levi Edgar Young, *Founding of Utah*, San Francisco: Charles Scribner's Sons, 1924, pp. 299-300.

<sup>2</sup>George A. Smith, *Diary*, February 21, 1851, and March 3, 1851. On file at the Utah Historical Society, Salt Lake City, Utah.

<sup>3</sup>Hannah Isabell Fawcett Nixon, *Biography*, p. 9. On file at the Utah Historical Society, Salt Lake City, Utah.

<sup>4</sup>O. H. Riggs, *Territorial School Report*, 1874-75.

the turn of the century, describes the schools taught by George A. Smith and Mrs. Hannah Holbrook in the following words:

Notwithstanding the most unfavorable conditions, the pioneers of Utah at once began to exert themselves to educate their children. It is reported that Geo. A. Smith and others gathered the brethren around the camp fire before the first rude log huts were built, and instructed them in the rudiments of an English education. In the second year after the arrival of the first settlers, Mrs. Hannah Holbrook taught a school in Davis County, in a little cone shaped wickiup. In 1857, the Territorial Superintendent reports log school houses in most of the settlements. . . .<sup>5</sup>

It was not uncommon for the community school to be in a private residence. These were probably not unlike the early dame schools of New England. The diary of Ada Arvilla Burke Earl, born in Farmington, Utah, May 28, 1857, contains this statement:

The first school we attended was in the home of Apostle Amasa Lyman and his wife Paulina was the teacher. We started school at a very early age and I remember carrying bread and a jug of milk for our lunch and Mrs. Lyman would give us dishes and spoons to eat our bread and milk in. She taught us the alphabet by having us sing it. . . . We sat on benches around the walls of the room. . . . We studied from McGuffey's and Wilson Readers. . . .<sup>6</sup>

The *Deseret News* states that by the autumn of 1850 plans were well under way for schoolhouse construction in all of the ecclesiastical wards.<sup>7</sup> In April, 1851, Brigham Young, Heber C. Kimball, and Willard Richards, serving as the presidency of the church, wrote an "epistle" to the membership of the church. In this document they reported that, "school houses have been built in most of the wards, both in the city and country, and schools have been sustained therein the past winter."<sup>8</sup> In the late part of the year of 1852, the *Deseret News* reported, "Many if not all the wards and settlements of our Territory have built commodious and comfortable school houses."<sup>9</sup> Again in 1854 the same paper carried a story that there was "a school-house in nearly every ward in . . . [the] territory."<sup>10</sup> In his message to the Legislative Assembly in 1857, Governor Young enthusiastically declared:

Each Ward throughout the Territory has provided one or more comfortable schoolhouses commensurate with the number of pupils to be accommodated. . . .<sup>11</sup>

<sup>5</sup>Emma J. McVicker, *Third Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1900*, p. 49.

<sup>6</sup>Ada Arvilla Burke Earl, *Diary*, p. 1. On file at the Utah Historical Society, Salt Lake City, Utah.

<sup>7</sup>*Deseret News*, Vol. 1, November 27, 1850.

<sup>8</sup>Brigham Young, Heber C. Kimball, and Willard Richards, "Epistle to the Church," *Millennial Star*, Vol. XII, p. 213.

<sup>9</sup>*Deseret News*, Vol. III, December 11, 1852.

<sup>10</sup>*Deseret News*, Vol. IV, November 9, 1854.

<sup>11</sup>Brigham Young, *Governor's Message to the Legislative Assembly*, 1857.

In 1861 Mr. C. W. Wandell, serving the Legislative Assembly as chairman of the committee of education, indicated the interest and effort in schoolhouse construction when he said, "The construction of commodious and substantial buildings for school purposes during the past year, is an evidence of an increasing interest in the important subject of education."<sup>12</sup>

Describing the important events and achievements of the settlers of Utah up to mid-summer of 1862, George A. Smith said, "There are 24 good school houses in this city generally about 20 by 30 feet and are well finished. All of the neighborhoods in the Territory are provided with similar school facilities."<sup>13</sup>

Reporting to the Legislative Assembly in 1865, Territorial School Superintendent Campbell declared: "Many school-houses are being erected from year to year. . . ."<sup>14</sup> Again in his report for 1867, he asserted, "Many school houses are being built." Of the quality and the educational significance attached thereto, he maintained that "those built are generally reported good, but there is still much room for their improvement; as the surroundings of a child at school have much to do with the advancement of its education."<sup>15</sup> Likewise, the report for 1869 contains the following: "The character of the school houses, recently built in some of the counties are very creditable. . . . Several of these buildings might be called model school houses."<sup>16</sup> The report for 1872-73 continues to indicate that the construction of schoolhouses was one of the major items of activity in the settlements. In this report the chief territorial school official said:

The erection of many new school-houses throughout the Territory is a matter of congratulation, and reflects much credit on the trustees in the respective districts which have stepped forward in this direction. Most of the buildings are very substantial. . . . Some of those recently erected in Salt Lake County are handsome edifices.<sup>17</sup>

Successors to Campbell continued with reports of extensive building of schoolhouses. In the 1874-75 report, Superintendent Riggs said: "The erection of school houses in this Territory is a matter of great importance. Several have been erected during the past two years that reflect much credit on the trustees."<sup>18</sup> Likewise, the documents of individual communities indicate considerable

<sup>12</sup>C. W. Wandell, Report of Committee on Education, *Journal of the Legislative Assembly of the Territory of Utah, Tenth Annual Session*, 1860-61.

<sup>13</sup>George A. Smith, "Reports," *Deseret News*, Vol. XII, August 6, 1862.

<sup>14</sup>Robert L. Campbell, *Territorial School Report*, 1865.

<sup>15</sup>Robert L. Campbell, *Territorial School Report*, 1867.

<sup>16</sup>Robert L. Campbell, *Territorial School Report*, 1869.

<sup>17</sup>Robert L. Campbell, *Territorial School Report*, 1872-73.

<sup>18</sup>O. H. Riggs, *Territorial School Report*, 1874-75.



interest and industry on the part of the people in erecting school buildings during those early years of settlement. In 1854 a report was written from Fillmore stating: "We are erecting an adobie building, 30 by 40 feet in length, for a two-fold purpose of meeting house and school room."<sup>19</sup> One from Manti in the same year indicates school building activity in which "two or three schools are in operation."<sup>20</sup> In Tooele the first permanent residents remained through the winter of 1849-50, planted a crop in the spring of 1850, and during that autumn erected a log schoolhouse 24 feet square for school and church. By 1855 the Seminary—later a school of some merit in Provo, was under construction. In his history of Lehi, Hamilton Gardner says:

In the fall of 1851, just one year after the arrival of the first settlers on Sulphur Springs, the people of Evansville erected a school house. It was a little log structure, eighteen by twenty-four feet. . . . Nor was the school house limited to use as a temple of learning. Being the first public building, it served alike as school house, meeting house, city hall, ball room, theatre, and the gathering place for assemblies of all kinds. At its completion a rousing picnic was held in it.<sup>21</sup>

*The school—a community center.*—From evidence of all available source materials it is apparent that during the early years of Utah's history there was considerable work done in erecting school-houses. This might be expected under the Mormon plan of colonization, for the settlers in the several communities were permanent residents and had come to establish their own plan of community life. The village pattern best adapted itself to the colonization scheme of the founders, and made it possible for them to construct a building in each town as a center for religious, educational, and civic purposes. It is probable that at no place in the westward expansion of the American frontier were buildings so universally constructed for school and theological purposes as in Utah. When it was necessary to build forts as a means of individual and community protection from the Indians, the school-church building was usually erected in the center of the fort. In those instances where such protection was not necessary, the school was located at a point that would accommodate the largest possible number of people. The early school buildings of Utah were literally community buildings. During the week days these were used for educational purposes, but frequent evening gatherings were held in these structures. The settlers never lost sight of the importance of

<sup>19</sup>*Deseret News*, Vol. IV, December 21, 1854.

<sup>20</sup>*Ibid.*, December 28.

<sup>21</sup>Hamilton Gardner, *History of Lehi*, 1913, pp. 94-95.

their social life, and within the school building, dances and all other forms of group recreation and amusements were held. The school likewise was the center for all non-religious meetings. If a new road were to be constructed, an irrigation canal altered, or even a quilting bee held for the benefit of some newcomer, the school-house was the locus of such activity.

Religion was the cementing force in the Mormon plan of colonization, and because the founders were strongly organized into ecclesiastical units and homogeneous in their theological faith, the settlers used one structure for both religious and educational purposes. This central building, serving as it did for all such gatherings in each of the Mormon settlements, probably typifies the Utah pioneers more than any other characteristic of their community life. Its importance has made the colonizing plan of Brigham Young and his associates unique in American history.

*The method of schoolhouse construction.*—The school law of 1852 provided for establishment of school districts, created the office of trustees, and gave these officials "power to assess and collect a Tax upon all taxable property in said district for the purpose of building and keeping in repair suitable school houses."<sup>22</sup> These school districts were customarily co-terminous with the ecclesiastical wards, which placed the responsibility for erecting the school-church building on the same group of people. Occasionally a tax for schoolhouse construction was levied at that early date. This may be observed from a notice appearing in the News on May 4, 1853:

We take this method of notifying all those holding lots situated in the 10th Ward, that a tax of twenty-five dollars is levied on each lot for the erection of a new School House, to be paid on or before the first day of June next; and in case any should be in default in paying the aforesaid tax of twenty-five dollars, or in otherwise making arrangements with the committee, they will be sold to defray the same.

Flour, wheat, cattle, lumber, shingles, lath, etc., will be received and expected from those that do not labor on the house.<sup>23</sup>

Regardless of the legal right given to trustees to levy a tax for the purpose of erecting schoolhouses, it is apparent that most of the early buildings were not built from tax money, for the economy of the settlers was such that money was extremely scarce and taxes were unpopular. Moreover, the erection of such a building required more labor than money. Following the enactment of this law by

<sup>22</sup>*Laws of the Territory of Utah*, 1852, sec. 4 of "An Act in Relation to Common Schools."

<sup>23</sup>*Deseret News*, Vol. II, May 4, 1853.

nearly a decade and a half, Territorial Superintendent Campbell said, "School-houses have been (with but few exceptions) built by voluntary contributions."<sup>24</sup> From one report to another Campbell repeated this assertion.<sup>25</sup> More emphatic that the tax law was not used, in his report for 1867 Campbell declared: "nearly all the school houses in the Territory have been built by the voluntary liberal donations of the citizens. . . ."<sup>26</sup>

*Quality of buildings.*—The first school buildings were necessarily crude when compared with schools of today. The pioneers were compelled to use what materials were most accessible and these houses were built hastily. Often the plan of the community was to erect only temporary buildings that would provide a place of worship and a school until more permanent structures could be erected. The several sources of information do not agree in the descriptions given of the quality of the buildings. As stated above, Governor Young and his associates reported that all communities were being well supplied, and implied that these buildings were adequate for the purposes for which they were used. "Very creditable" is the term used by the territorial superintendent in his description of the school buildings completed in the several counties preceding 1870. In some of the settlements of Cache and Weber counties he declared the "buildings might be called model school houses."<sup>27</sup>

It is probable that Superintendent Campbell was not adequately informed on the most modern buildings of his day in other parts of the nation, but likewise at the time in which he was administering the schools of the Territory, school house planning and construction was in its infancy when compared to the present. More than three quarters of a century of progress has developed a large field of technical knowledge. Development in the area of the physical plants of school districts is not unlike the change and growth in other phases of the total educational program.

Describing the buildings under construction at the close of the 1860 decade and in the years immediately following, Campbell said these "are very substantial" and "are handsome edifices."<sup>28</sup>

That progress was gradually being made in the quality of schoolhouse construction, may be assumed from the 1874-75 report of Riggs. He said:

<sup>24</sup>Robert L. Campbell, *Territorial School Report*, 1865-66.

<sup>25</sup>Campbell, several biennial school reports.

<sup>26</sup>Robert L. Campbell, *Territorial School Report*, 1867.

<sup>27</sup>Robert L. Campbell, *Territorial School Report*, 1869.

<sup>28</sup>Robert L. Campbell, *Territorial School Report*, 1872-73.

With the increase of population and wealth in the Territory, the adobie school houses are gradually giving place to the frame and more substantial brick and rock buildings. Within the past few years many very good school houses have been erected on improved plans, and some are provided with the latest improvements in school furnishings.<sup>29</sup>

Actually, the school buildings were neither adequate in size nor number. They were customarily "tuition schools" and hence many children who should have been in attendance were not. Yet these small, hastily constructed buildings were not only crowded and void of school furniture, but built without regard for the healthful living of the pupils. The territorial school superintendent makes the following interesting description of an inspection of one school, which depicts the poor environment for learning and child growth:

On entering the primary department, the basement of the building, it was immediately apparent that ventilation was not neglected, for the school teacher complained that about one-third of the panes of glass were broken; and seeing many pupils without text books, on inquiry, the fact was elicited that fifty per cent of those in attendance were destitute of books, nor were charts or other aids brought into requisition to supply this deficiency. Another school, but a few rods distant, was also visited on the same occasion, where evils more grievous were presented. The building was small, poorly lighted, and entirely destitute of ventilation. The venerable matron in charge, was not slow to announce that she had seen over sixty summers; the substantial ferule held in her hand demonstrated that she had not been careless in acquiring the means of correction, and suggested the idea that her notions of teaching were not modelled after the generally accepted modern methods. One hundred pupils were committed to her charge, seventy-two of whom were in attendance. The capacity of the room could not conveniently accommodate over forty scholars.<sup>30</sup>

The progress made in schoolhouse construction and equipment used for school purposes, may be noted in Riggs' early historical report. He said:

In 1857 the Superintendent visited the southern settlements, he found that log school houses were the rule; these were only chinked, though a few were whitewashed, and mostly furnished with slab seats, some of which had very long legs, doing double duty among the rising and risen generation; and causing many a pair of little legs and feet to dangle in the air. These log school-houses soon gave way to the more comfortable adobie buildings, covered with shingles, and furnished with long seats made of plank with backs to them, and long writing desks around the walls. The best fitted up school house in the Territory in 1857, which was materially in advance of the others, was in the 12th Ward of Salt Lake City. It was built of adobie, had six windows and one door. The ceiling and walls were plastered and whitewashed and the

<sup>29</sup>O. H. Riggs, *Territorial School Report*, 1874-75.

<sup>30</sup>Robert L. Campbell, *Territorial School Report*, 1871.



woodwork painted. It was furnished with stationary seats and desks all facing toward the teacher's stand.<sup>81</sup>

The lack of building space, providing all the children attended school, may be noted in the Williams' report for 1886-87. He said:

The information . . . shows conclusively that there is an urgent need for additional and better school buildings and accommodations. From the information collected I am convinced that in Salt Lake City and county, there are not suitable and comfortable buildings sufficient to accommodate more than one-third of the school population. The report of the County Superintendent of Salt Lake County shows an average attendance of only 27 $\frac{1}{2}$  per cent of those of school age in the district schools; and yet, as a rule, the school-rooms are crowded to their utmost capacity, and to that extent that causes great discomfort, and endangers the health of the pupils.<sup>82</sup>

Within this same report Williams declared that some of the most populous and wealthy districts in Salt Lake City had no school buildings or grounds. Of the sixty-four districts in Salt Lake County at that time, sixteen reported that they had no school property. It is probable that this situation is not exactly as reported by Mr. Williams, for many of the districts retained the older custom of maintaining school in the church buildings and title was held by the church officials. The problem of "title to school property" caused considerable litigation when the homogeneity of the Mormon communities began to break down.

One of the principal complaints offered by school officials was that the structures were hastily erected and built without adequate planning for children. They claimed that "practical architects" were not to be found in many of the settlements, and this prohibited the construction of appropriate buildings. Moreover, some of the school leaders complained that the trustees were frequently at fault in displaying their disinterest in the "upkeep" of the school property. The territorial leaders urged fencing school buildings and planting trees to make the grounds more beautiful. The problem of appropriate beautification of the school became so much an issue that the Legislative Assembly in 1890 made it "the duty of the district board to cause to be set out and properly protected, as many shade trees as the size, location, and arrangement of the school lot will justify."<sup>83</sup> This law was perpetuated after statehood.

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<sup>81</sup>Riggs, *op. cit.*

<sup>82</sup>P. L. Williams, *Territorial School Report*, 1886-87.

<sup>83</sup>*Laws of the Territory of Utah*, 1890, ch. 62, sec. 50.

*School equipment and supplies.*—As indicated above, the equipment and supplies within the buildings were customarily both insufficient and unhygienic. As may be expected, equipment differed from one school to another. The stage of permanent slabs around the four walls for seats was thought to be a step of progress beyond whatever meager portable stool was available in the first buildings. Immovable, but “backless” planks, in the center of the room where all scholars could sit and face the teacher, was acclaimed another stage of growth.

In 1879, John R. Park and L. F. Monch, both eminent educators in Utah, were sent on an educational mission through some of the northern counties of the territory. Regarding the furniture and equipment these men reported:

The furniture generally was home-made, though we found a number of rooms supplied with the patent “Triumph desk.” Though imported furniture is in most respects superior to the home-made, yet we took occasion, in most instances, to encourage the latter, chiefly on the ground of economy. Imported desks, in the first place, are expensive, and again, to purchase them takes the money from the District and from the Territory, where it would act again and again, directly and indirectly, to the benefit of the school. When good patterns are secured, and these can be secured, the home-made article will answer every necessity of cheapness, comfort and utility.<sup>84</sup>

On a later occasion, John R. Park and Milton H. Hardy went on a tour of some of the counties of the territory and as a result thereof made inspectorial reports of their findings. Again they expressed approval of the furniture and other equipment that was made locally. In part, they said:

In many parts of the Territory we found the supply of school furniture and apparatus very creditable, better than we had expected to see. The other extreme, however, we met frequently. It is true that furniture and apparatus are expensive, and it may seem unreasonable and unjust to expect excellence in this direction in a country so new as ours. All that is needed in the way of either furniture or apparatus for our country schools, that must avoid extravagance in cost, can be supplied at home. . . .

Maps, globes, charts, etc., were not wanting in many places. . . .<sup>85</sup>

*Progress in building values following statehood.*—Toward the close of the century and immediately following statehood, more funds became available for schoolhouse construction. Moreover, before Utah could be admitted to the Union it was necessary to make a distinct cleavage between church and state in the administration of the schools, and to obtain clear title to property held in

<sup>84</sup>John Taylor, *Territorial School Report*, 1878-79.

<sup>85</sup>L. John Nuttall, *Territorial School Report*, 1880-81.

the name of the school district. In 1904 State Superintendent Nelson made a significant report on "school buildings and grounds." At that time 606 of the 693 structures where school was maintained were owned by the several school districts. Fifty-four of the district-owned buildings, Nelson said, had been erected during the biennium then ending, at a cost of near \$400,000. This amount, added to the buildings formerly owned by the schools, made a total estimated value of \$2,662,414.34, or a grand total of buildings, grounds, and equipment of \$3,537,772.12. Describing this achievement Nelson said: "The people of Utah may justly be proud of the buildings in which their children are receiving their educational training." However, he criticized the status of school grounds. He said: "Not only is the cultivation of flowers and grasses, trees and shrubs, etc., neglected, but also in many instances no artistic arrangement of any sort is to be seen."<sup>86</sup>

For the two-year period ending June 30, 1906, there was a total of \$286,702.12 spent for schoolhouse construction,<sup>87</sup> and in his 1908 report Nelson declared that "During the biennium for which this report is made, the expenditures for new school buildings are far in excess of the amount used for this purpose for any similar period in the history of Utah. Forty-eight school houses were erected at a cost of \$709,152.95."<sup>88</sup> For the biennial period ending in 1912 the amount spent for buildings increased to \$1,370,375.13. This made a total valuation of school buildings in Utah in excess of \$7,000,000.<sup>89</sup>

The rapid growth and development of high schools between about 1907 and the reconstruction period following the first world war, together with the enactment of the compulsory school attendance law, necessarily created large demands for the construction of high-school buildings. Likewise, the elimination of the small school district by the consolidation laws, beginning in the cities in 1890, then to the counties in 1905, and mandatory laws in 1915, provided an entirely new pattern of school organization that made it impossible to house the children in the small and inadequate structures formerly existing. Larger buildings erected in consolidated units became prevalent in Utah following the elimination of the small school district.

<sup>86</sup>A. C. Nelson, *Fifth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1904*, p. 21.

<sup>87</sup>A. C. Nelson, *Sixth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1906*, p. 22.

<sup>88</sup>A. C. Nelson, *Seventh Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1908*, p. 15.

<sup>89</sup>A. C. Nelson, *Eighth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1912*, pp. 10-11.



A new socio-economy developed during the years preceding and following World War I. A national attitude that emerged toward curtailment of child labor and increased education affected Utah. For the first time in American history education for all children became the common custom. The demands for such a widespread and modern school program found partial expression in the buildings that were to house school children.

While schoolhouse construction has been more or less continuous throughout Utah's educational history, as indicated above, there have been times when an upward surge has been noticeable. During the 1930 decade the federal government initiated a "make work" plan of public works. This provided ways and means by which existing structures could be altered and needed public school buildings erected. It is estimated that from the time the Public Works Administration began until September, 1937, "the United States Government had made grants of about three million dollars and the school boards about four and one-third million for school buildings in Utah."<sup>40</sup> The total value of the district school sites and buildings in 1940 is listed at \$37,689,440.65. The development of industry within the state during World War II brought increased population to some of the school districts requiring considerably more school-building construction.

*Limitations and direction from the state in school construction.*  
—A number of the territorial school reports indicate the lack of planning on the part of the local trustees in schoolhouse construction. These buildings were usually built with no thought for future community growth or aesthetic qualities, and not infrequently were unhygienic and inconvenient. As the expansion of schools came following statehood, more progressive legislation was enacted that placed restrictions and requirements on the trustees. In 1909 the laws controlling schoolbuilding construction were amended. Legal mandates were made that the plans for new buildings should be submitted to a commission and approval given from this state body before the school could be built. A portion of the law follows:

No school-house shall hereafter be erected in any school district of this State not included in cities of the first and second class, and no addition to a school building in any such place the cost of which school-house or addition thereto shall exceed \$100 shall hereafter be erected until the plans and specifications for the same shall have been submitted to a commission consisting of

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<sup>40</sup>Charles H. Skidmore, *Twenty-Second Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1938*, p. 80.



the State Superintendent of Public Instruction, the Secretary of the State Board of Health, and an architect to be appointed by the Governor, and their approval endorsed thereon. Such plans and specifications shall show in detail the ventilation, heating, and lighting of such buildings. The commission herein provided shall not approve any plans for the erection of any school building or addition thereto unless the same shall provide at least fifteen square feet of floor space and two hundred cubic feet of air space for each pupil to be accommodated. . . . No tax . . . shall be levied by the trustees until the commission shall certify that the plans and specifications for the same comply with the provisions of this Act.<sup>41</sup>

The law currently controlling the construction of schoolhouses in the county districts of Utah states that when any building exceeds \$5,000 in cost, "the plans and specifications for the same shall have been submitted . . . to the state superintendent of public instruction" and his endorsement given.<sup>42</sup> In addition, the state superintendent is required to formulate a code that governs the preparation of plans. This code includes standards for heating, ventilation, sanitation, lighting, and other safety and health measures.

#### COURSE OF STUDY: CONTEXT AND MATERIALS

*Influence of theology in early schools.*—Like the founders of New England who preceded them by more than two and a quarter centuries, the Mormons were colonizers in a new country, and established homes and communities under the impelling force of a theology that had formerly brought ridicule and persecution to its adherents. In each instance, it was of prime importance that the church membership learn the theological doctrine; therefore, in each case the content of the subject matter in schools was greatly influenced by the religious doctrine. The Bible and other church doctrinal books were commonly used by the first teachers in Utah. The rise and growth of the church was carefully studied by the pupils, and a religious influence characterized all the schools in the several settlements. This area of subject-matter continued until some time after non-Mormons came to the valleys to establish permanent homes. The adherence of the schools to religion became an issue that made a distinct cleavage between the Mormons and those not of their membership.

As late as 1873 the chief territorial school officer said:

Our lot has been cast in lands favored with the Bible. We have been taught from our infancy that 'the fear of the Lord is the beginning of wis-

<sup>41</sup>*Laws of Utah*, 1909, ch. 32, sec. 1.

<sup>42</sup>*School Laws of the State of Utah*, 1945, 75-14-2.

dom;' and shall our common schools be the first place to ignore this sentiment. . . .?

Are we not apt to be narrow in our educational ideas, and to give undue weight to intellectual culture. . . . Any educational system that fails to give due prominence to religious and moral training is defective. . . .

The common school code of Utah does not require nor AUTHORIZE educators to inculcate RELIGIOUS TENETS, but all teachers are advised to open their schools by prayer, and to inculcate the 'fear of God,' and morality, both by precept and example.<sup>43</sup>

A decade later Superintendent Nuttall said, "there are no religious tenets taught in our district schools;" but expressed a hope that "moral" and "religious influences" would continue to exist.<sup>44</sup>

Gradually, theological instruction was replaced by what may be termed "moral training." But the latter was not far divorced from religion. At another time the territorial superintendent reported having visited the schools and wrote the following description of them:

The morality and manners of the pupils have not been forgotten. These have been placed in the foreground as, in many instances, he [the superintendent] found that little interest had been manifested by school teachers in relation thereto, and where these are neglected the educational picture must be defective. To educate the intellect and to neglect the heart would be to introduce a state of things to be deplored rather than to be admired. The school teacher who does not appreciate the importance of moral training, and pays little or no attention to the subject in his school, fails to produce that good to the commonwealth for which his position in life so eminently qualifies him. On the other hand, the teacher who makes this one of his specialties, will have occasion in after life to feel the truth of that scriptural passage: Whatever ye sow that ye shall reap.<sup>45</sup>

*The common school areas of learning.*—Brigham Young admonished the saints going to the valleys to take with them all kinds of books, maps, and charts that would serve in the common schools. The long distance from the source of book supplies, and the rough road and slow method of travel, prevented an adequate quantity of books in the first schools. Children, therefore, were forced to use whatever books were available, but for some, they were non-existent. Under such frontier conditions the availability of existing materials determined the course of study.

The first school laws of Utah were silent concerning a course of study. Apparently the trustees and the teacher determined those areas in which the pupils could have intellectual experiences. In 1860 a law was passed by the Legislative Assembly that provided a

<sup>43</sup>Robert L. Campbell, *Territorial School Report*, 1872-73.

<sup>44</sup>L. John Nuttall, *Territorial School Report*, 1882-83.

<sup>45</sup>Robert L. Campbell, *Territorial School Report*, 1868.

form of report in which local school officials were required to list certain characteristics of the schools, including the "branches taught." Subjects of study enumerated were: "alphabet, spelling, reading, writing, geography, grammar, arithmetic, book-keeping, algebra, geometry, astronomy, history, language, music, drawing and painting."<sup>46</sup> Evidently this form was provided to include what was thought could be taught in the schools for some time—at least in a few select schools for the common course of study did not include all of these subjects.

*Efforts toward establishing uniform textbooks as courses of study developed.*—In the earlier stages of education in Utah one can hardly distinguish between the course of study and the so-called textbooks that were used within the schools. This situation in ungraded schools prohibited homogeneity in the educational growth of the pupils. In the earliest school reports available, problems incident to the lack of uniformity of textbooks are mentioned. In the 1860-61 report of the educational committee to the Legislative Assembly it is stated:

. . . there does not appear to be a uniformity of textbooks in general use; those more extensively used are, Webster's Elementary Spelling Book, McGuffey's Series of Readers, Smith's Grammar, and Ray's Arithmetics. The advantage of uniform text books in schools is very great, and it is to be hoped that an understanding between the school officials and importers of books will be had which will effect that end.<sup>47</sup>

This problem was mentioned again in the 1862-63 school report as follows:

The great difficulty in school matters here is a lack of uniformity in text books, which renders the labors of the Teacher very arduous, without corresponding benefits to the pupil. The time has arrived, in my opinion, when we should compile and publish our own school books; this would produce that uniformity which Teachers so much desire.<sup>48</sup>

By 1866 Campbell declared that the problem of different texts was being overcome and said that the "efforts made to introduce a uniformity of textbooks in our schools have met with a hearty co-operation from teachers."<sup>49</sup> Recommended lists of books were sent with the territorial school report as early as 1864. In 1867 the superintendent said: "the Wilson's series of text books have gen-

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<sup>46</sup>*Laws of the Territory of Utah*, 1860, ch. 6, sec. 5.

<sup>47</sup>Robert L. Campbell, *Territorial School Report*, 1860-61.

<sup>48</sup>Robert L. Campbell, *Territorial School Report*, 1862-63.

<sup>49</sup>Robert L. Campbell, *Territorial School Report*, 1865-66.

erally been adopted in our schools."<sup>60</sup> In his report for 1868 the territorial superintendent reported to the legislative body that he and some prominent school leaders in Salt Lake County had been working unitedly together to select a course of study and appropriate texts. He declared they had agreed on the adoption of "Wilson's series of readers, Wilson's speller, Colborn's mental arithmetic, Ray's arithmetic, Pinnero's Grammar, primary and analytical; Montieth's geography and Goodrich's history of the United States."<sup>61</sup> In 1868 he published his letter to the "Utah Merchants and Importers of School Books" showing the adoptions that were agreed upon four years earlier and he declared the list remained unchanged. Providing uniform textbooks was a meritorious step, according to the state superintendent, for in his 1870 report he asserted: "There is more uniformity in text books in Utah, probably, than in any other part of our country. The books adopted by the school authorities are almost universally used in the schools."<sup>62</sup> Within that report are some changes in the textbooks that were approved. The history text was changed to "Anderson's History," and the following were added: "Payson, Dunton & Scribner's Penmanship, Quachenbo's Composition, Quachenbo's Composition of Rhetoric and Harkness's Latin."<sup>63</sup> The 1871 report includes the "National Series of Readers and National Spellers" as being on the approved list in lieu of those formerly adopted. By 1870 the extreme diversity of textbooks formerly existing was largely curtailed. Without careful analysis one may erroneously be led to believe that shortly thereafter books were plentiful. The territorial school report for 1874-75 states:

The multiplicity of text books in this Territory is really marvelous. Thousands of dollars are annually thrown away in the purchase of different kinds of text books to satisfy the whims of some of our teachers. There should be a protection against such useless expenditure.<sup>64</sup>

By the end of the first quarter century following the establishment of common public schools in Utah, educational leaders were discussing ways and means of broadening the course of study. Private schools from their beginning in the territory had offered special courses in a variety of fields, but the common schools were of necessity "three R" schools. In his 1872-73 report the territorial superintendent, under the caption of "recommendations," said,

<sup>60</sup>Robert L. Campbell, *Territorial School Report*, 1866-67.

<sup>61</sup>Robert L. Campbell, *Territorial School Report*, 1867-68.

<sup>62</sup>Robert L. Campbell, *Territorial School Report*, 1869-70.

<sup>63</sup>*Ibid.*

<sup>64</sup>O. H. Riggs, *Territorial School Report*, 1874-75.



"Drawing, sewing and vocal music should be taught in our common schools."<sup>55</sup>

Building a "system" of schools in the widely scattered communities of Utah required time and effort. As indicated above, the first schools were without central direction from anyone but the teacher, and of necessity she was compelled to rely on her own initiative and whatever books were available. The 1860 law that created the office of county superintendent was a progressive measure. At first many of his duties, as listed in the law, included handling and accounting for the meager school funds. The procedure established in 1864, that the territorial and county superintendents jointly select textbooks, was changed by an amendment to the law in 1865 which stated that "The Territorial and County Superintendents are hereby empowered to decide upon what text books shall be adopted in their schools. . . ."<sup>56</sup>

In the report terminating in 1875, the territorial superintendent referred to the "multiplicity of text books" used in the territory and recommended that "the use of such text books [as adopted] be exclusive and mandatory in all the common schools of the Territory."<sup>57</sup> This report was written January 10, 1876, and on February 18 of that year the Legislative Assembly approved an act stating:

The Territorial and county superintendents and the president of the faculty of the University of Deseret, or a majority of them, shall, at a convention, called by the Territorial superintendent of district schools, for the purpose, decide what text books shall be adopted in the schools, and their use shall be exclusive and mandatory in all the district schools of the Territory.<sup>58</sup>

The adoption was for a period of five years, unless change was made "for sufficient cause." In 1880 this law was amended, making it even more binding by stating that "any teacher changing the text books, shall forfeit his eligibility as a teacher."<sup>59</sup>

In 1890 when the school law was enlarged and rewritten, specific legislation was enacted that gave direction in the course of study. One section of this act states:

Every teacher in the district schools shall teach pupils, when they are sufficiently advanced to pursue the same, the following branches to wit: reading, spelling, writing, arithmetic, language lessons, English grammar, geography, United States history, physiology and hygiene, giving special instruc-

<sup>55</sup>Robert L. Campbell, *Territorial School Report*, 1872-73.

<sup>56</sup>*Laws of the Territory of Utah*, 1865, sec. 8 of "An Act Consolidating and Amending the School Laws."

<sup>57</sup>O. H. Riggs, *Territorial School Report*, 1874-75.

<sup>58</sup>*Laws of the Territory of Utah*, 1876, sec. 16 of "An Act Providing for the Establishment and support of District Schools and for other Purposes."

<sup>59</sup>*Laws of the Territory of Utah*, 1880, ch. 19, sec. 16.

tion concerning the nature of, and effects produced by the use of alcoholic drinks, stimulants, and narcotics.<sup>60</sup>

One of the major duties of the county superintendent, as enumerated in the 1890 law, was to "direct the teachers in regard to . . . the course of study."<sup>61</sup>

Two years later the law was amended so that it was less specific; and instead of stating the exact subject-matter areas of teaching-learning, the amended act provided that "Every teacher in the district schools shall teach pupils the course of study prescribed and give special instruction concerning the nature of . . . alcoholic drinks, stimulants and narcotics."<sup>62</sup> The use of textbooks adopted by the commissioner of schools, the city and county superintendents, and the president of the faculty of the university, however, remained a mandate. Likewise, the statute continued to state, "teachers shall enforce the use of text books."

Following city consolidation in 1890, a trend was initiated that continues to exist. In 1892 boards of education in cities of the first class (Salt Lake City only) were given the mandate of deciding what textbooks were to be used within the district and their use was mandatory. The penalty of discharge of any teacher who changed the texts was stipulated in the law.<sup>63</sup>

The meticulous method in which the schools were required to follow the adopted course of study and use the prescribed texts continued after Utah became a state. The 1896 act required the state superintendent, the county superintendents and the "principal of the state normal school" to adopt texts for all districts except cities of the first and second class. Minute detail was written into the law concerning the method of advertising for books, opening the bids and publicizing the adoption. As before, the use of the selected books was mandatory. Similar exactions remained of the county superintendent and the teachers. It was required of the former to "see that the pupils are instructed in the several branches of study required by law to be taught in the schools as far as they are qualified to pursue them."<sup>64</sup> Teachers were instructed to teach the course of study, and in case any teacher "neglect or refuse" to give instruction on those subjects specified by law, the county superintendent was admonished to "promptly report the fact to the county board of examiners, who after due examination

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<sup>60</sup>*Laws of the Territory of Utah*, 1890, ch. 72, sec. 60.

<sup>61</sup>*Ibid.*, sec. 11.

<sup>62</sup>*Laws of the Territory of Utah*, 1892, ch. 80, sec. 60.

<sup>63</sup>*Ibid.*, sec. 120.

<sup>64</sup>*Laws of Utah*, 1896, ch. 130, sec. 28.

and inquiry may revoke such teacher's certificate and cause him to be discharged."<sup>66</sup> The 1896 law gave the boards of education in cities of the first and second class broad administrative powers, but was specific in stating that the individual boards for their specific district "shall decide what text books shall be adopted in all public schools of the city."<sup>68</sup> Boards of education in city school districts currently adopt textbooks and select courses of study, exclusive of state direction.

The writers of the state constitution wisely foresaw possible dangers of single administrative state agencies with legal powers of control adopting textbooks for all schools of the state. This document is specific in stating: "Neither the Legislature nor the State board of education shall have power to prescribe text books to be used in the common schools."<sup>67</sup>

*Course of study and textbook commissions.*—In 1913 the legislature amended the school law controlling the adoption of textbooks and the course of study. A "state text book commission was created." This commission consisted "of the State Superintendent of Public Instruction, the President of the University of Utah, the President of the Agricultural College of Utah, the Principal of the State Normal School and five resident citizens of the State to be appointed by the governor, three of whom shall be superintendents of schools."<sup>68</sup> The state superintendent was required to call the commission together at least six months preceding the expiration of any contract regulating any or all textbooks used throughout the state except cities of the first and second class. Likewise, he was to direct necessary publicity controlling textbook adoptions.

The same legislature amended the law controlling the course of study. The committee authorized to prescribe the course of study consisted of the "State Superintendent of Public Instruction, the Principal of the State Normal School, and five superintendents to be appointed by the State Board of Education."<sup>69</sup>

When high schools were first initiated in Utah, little was said about the course of study except that it was advanced beyond the elementary level. With the enactment of the high school law in 1911, which appropriated a substantial state school revenue for high school purposes and required the state board to approve high schools, a plan of courses of study and textbook adoptions was in-

<sup>66</sup>*Ibid.*

<sup>67</sup>*Ibid.*, sec. 143.

<sup>68</sup>*Constitution of the State of Utah*, Article X, sec. 9.

<sup>69</sup>*Laws of Utah*, 1913, ch. 32, sec. 1 amended.

<sup>70</sup>*Ibid.*, ch. 13, sec. 1 amended.

initiated that placed high-school procedure essentially on the same basis as the elementary schools.

There was no particular reason why textbook adoptions should be for a five-year period except to protect the publishing companies, and with the rapid changes in the quality of books, the older law soon became unpopular. In 1935 a progressive act was passed by the legislature that controlled city adoptions. It states: "In each city of the first and second class the board of education shall decide what text books shall be adopted in all public schools of the city, and their use shall be mandatory therein."<sup>70</sup> The five-year requirement for use of a given text was thus eliminated.

In 1939 the law directing the state textbook commission for the county school districts was amended in such a way that more latitude was given. Formerly the commission was required to make adoptions at a prescribed meeting for "one third of the text books . . . for a period of six years; provided, that any textbook found unsatisfactory may be changed at any regular meeting of the commission."<sup>71</sup> The newer law made adoptions of one-fourth the texts in 1939, one-fourth in 1941, and again in 1943, and each year thereafter; and stated "that any textbook found unsatisfactory may be changed, or any textbook of unusual merit may be added to the adopted list, or the length of the period of adoption may be adjusted in some cases as may be necessary and desirable at any regular meeting of the commission."<sup>72</sup>

In 1941 the law was once more amended and improved. Conclusion was made that educational advancement would result if the same personnel comprised both the textbook and course of study commissions. Therefore, the legislature passed an act which currently controls the procedure, making the state textbook commission and the members of the state course of study committee the same persons.<sup>73</sup>

*Expanding the course of study.*—While the three R's, exclusive of some theological and moral training, comprised most of the course of study in the first years of Utah's educational history, leaders in education soon began to advocate an enlargement of the areas of learning. One such analysis of educational needs and recommendations to meet these needs was made in the school report of 1880-81 by L. John Nuttall. He said:

<sup>70</sup>*Laws of Utah*, 1935, ch. 60, sec. 1.

<sup>71</sup>*School Laws of the State of Utah*, 1933, 75-15-3.

<sup>72</sup>*Laws of Utah*, 1939, ch. 75, sec. 1.

<sup>73</sup>*Laws of Utah*, 1941, ch. 58, sec. 1 amended.



Our school system, at present, offers inducement in one direction only, and that is, in the literary line. We are in communities composed of farmers, mechanics, manufacturers, etc., in addition to the various professions. Our district schools, it is true, lie at the foundation of all these various callings, and ere long, I hope, we will be so far advanced as to have many institutions for fitting and qualifying our sons for any one of the vocations above mentioned, that apprenticeships to trades, which are now so few, may be greatly increased and our educational facilities become so broad and comprehensive as to cover all the demands that may be made.<sup>74</sup>

As indicated above, by 1890 very specific direction was given in the law concerning the content of the course of study. Not only were the commonly taught academic subjects enumerated, but likewise, every teacher in the district was required to teach the effects produced by alcohol, stimulants, and narcotics on the individual.<sup>75</sup> Throughout most of the educational history of the state a statute has existed requiring teachers to give instruction concerning the use of alcohol. In 1939 a new act passed the legislature stipulating in considerable detail the method of teaching this problem, and enlarging the older act to include ““special emphasis to the harmful effects upon individual and society of alcohol, tobacco and all other forms of harmful narcotics as shall lead such young people away from their use.”<sup>76</sup> As part of the same act the state superintendent was required to prepare teaching materials and courses of study that would serve as aids in presenting this problem to the pupils.

Other areas of learning have from time to time found place in the statutes. Among these are health education<sup>77</sup> and “regular courses of instruction in the Constitution of the United States.”<sup>78</sup>

*Leadership in the territory and state in creating the course of study.*—From the time the territorial superintendent, either in person or by representative, went throughout the territory to give supervision to the schools, this official has given direction in the course of study. At convention meetings with the county superintendents this was an important topic for discussion. When the law was passed in 1896 that created a state superintendent and the state board of education, the chief state school official was given the right to call biennially a convention of county and city superintendents to analyze problems of supervision and administration. The 1898 biennial report contains an account of the first convention of these school administrators after Utah was granted statehood. Of the

<sup>74</sup>L. John Nuttall, *Territorial School Report*, 1880-81.

<sup>75</sup>*Laws of the Territory of Utah*, 1890, ch. 72, sec. 60.

<sup>76</sup>*Laws of Utah*, 1939, ch. 77, sec. 2.

<sup>77</sup>*Laws of Utah*, 1919, ch. 85, sec. 1-4.

<sup>78</sup>*Laws of Utah*, 1923, ch. 4, sec. 1-3.

items listed that were on the agenda, "courses of study" was first.<sup>79</sup> Many recommendations have been made by these state leaders that have tended to improve the educational program.

Complete courses of study have been prepared by the territorial and state superintendent and those with whom they have worked. By 1893 these were published in the territorial school reports. At the same time, many of the county superintendents furnished leadership in developing course of study preparation. In 1893 Weber County<sup>80</sup> and Salt Lake County<sup>81</sup> published rather complete descriptions of all areas of learning within the schools of that time.

With the newer laws, course of study preparation has become a democratic procedure in Utah. Many people are invited to participate. In 1941 all of the school districts were invited to send representatives to summer school at the Utah State Agricultural College. Following a program of collecting valuable materials from most of the districts of the state those assembled wrote, "A Teaching Guide for Elementary Schools of Utah." Since that time additional assemblages of school people have met for several weeks and worked cooperatively together in the preparation of teaching materials in specific subject areas. During the summer of 1942, the state department of public instruction, in cooperation with the University of Utah, sponsored a workshop for teachers of elementary schools, where the "Teaching Guide" was analyzed and the procedures described as a part of the curriculum were demonstrated.<sup>82</sup> Such a program is considered progressive because it brings together the experiences of many well-trained individuals, provides a means whereby they can exchange opinions and experiences, and helps them to obtain a first-hand acquaintance with the course of study as it develops.

One of the most recent instances of cooperative effort in curriculum work on the part of many people is that launched by the state elementary supervisors' society in 1945 in a two-year study of Utah history. This project includes children, teachers and lay citizens throughout all parts of the state.

*The changing course of study.*—Those who have given direction to the schools of Utah have attempted to analyze the particular socio-economy of the time and to devise a course of study for the

<sup>79</sup>John R. Park, *Second Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1898*, p. 108.

<sup>80</sup>Joseph S. Peery, "Manual of the Public Schools of Weber County," 1892-93.

<sup>81</sup>An Outline of the Course of Study for the First Eight Grades of the Public Schools of Salt Lake City, adopted August 21, 1893.

<sup>82</sup>Charles H. Skidmore, *Twenty-Fifth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1944*, p. 29.

children that would enrich their lives and qualify them for intelligent living in adulthood. In order to do this the school people have of necessity been responsive to the major changes that have taken place as time has advanced. Many of the basic abilities needed by children remain the same, but newer and better methods of procedure in acquiring these abilities have been developed. Certain forces have arisen that have given new emphasis to educational requirements. The impact of war has been a major influence. Speaking of the importance of good health and physical vigor when we entered World War II, the 1944 school report states: "The demand for physical fitness was immediate and acute, and generally the schools responded by revamping, intensifying and improving their programs for health and fitness."<sup>83</sup> This fact may further be noted in its influence upon the shift to those subjects thought to be more necessary during the war. To illustrate, in 1942 the enrollment in science courses as reported by Utah high schools was 12,337 pupils. By 1944 there was an increase of 8,199 pupils registered for science. Likewise, in 1942 there were 10,338 pupils registered for mathematics, and in 1944 this number included an additional 6,128 pupils.<sup>84</sup>

The technological quality of the war impelled many to seek training that would prepare them for wartime industrial work. War training centers were established at several locations in Utah. Likewise, the war altered the course of study of those attending regular high schools. The most recent school report states: "A much younger age group of students, both boys and girls, have registered for Vocational Trade and Industrial courses."<sup>85</sup> The cessation of war hostilities in 1945 has brought a return to more normal peacetime subject matter areas, indicating currently a decreased interest in short-term vocational courses.

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<sup>83</sup>*Ibid.*, p. 42.

<sup>84</sup>*Ibid.*, p. 38.

<sup>85</sup>*Ibid.*, p. 60.

## CHAPTER XV

### TEACHER PERSONNEL: SUPPLY AND TRAINING

#### TEACHER SUPPLY AND DEMAND DURING EARLY UTAH HISTORY

*First teachers were private-venture instructors.*—It was important for the founders of Utah to have schools for their children, but it required time to establish a code of laws that determined the nature and amount of training necessary for teacher certification. The first teachers, therefore, were not subject to control through any legally organized agency as is the case today, but were a few individuals who chose to engage in teaching as a means of subsistence or in response to the “call” of community leaders who urged them to establish a school in order to provide some education for the children of a given neighborhood. These schools were very simple in organization. They were ungraded, and frequently taught in a private house. In reality they were not unlike the early dame schools of New England in which some lady of the neighborhood admitted a small congregation of children to her home and in the midst of her household duties “heard” the children recite their lessons.

*Limited supply of teachers soon became apparent.*—It was the intent of the settlers of the Great Basin to isolate themselves as completely as possible from the more eastern portion of the national populace. But within this colonial plan existed a serious handicap to the educational advancement of the people. Some of the founders were well educated for the time in which they lived; but like the leaders of New England, they were destined in time to die and leave the settlers without a new generation of people sufficiently trained to perpetuate a high standard of education. This situation gave considerable concern to the civic and religious leaders, for they realized that the colonies in the mountains must have trained teachers if the colonial plan of the church was to succeed. In his message to the Legislative Assembly in 1854, Governor Young said, “I fear that sufficient attention is not paid to the selection and examination of teachers.”<sup>1</sup>

The regents of the University of Deseret planned that that institution should train an adequate supply of teachers. Repeated

<sup>1</sup>Brigham Young, *Governor's Message, Journal of the Joint Sessions of the Legislative Assembly of the Territory of Utah, 1854*, p. 98.



admonitions were given to those who anticipated entering teaching to attend the Parent School of the university. In 1850, only a short time after the school was opened, the *Deseret News* contained the following statement: "We recommend every man who has any design ever to keep a school, to enter the parent school, and prosecute his studies in such a manner as to prepare him for his intellectual labors. . . ."<sup>2</sup>

Shortly thereafter another invitation was given by the *News*: "We would recommend all who wish to become teachers in the several wards, to be in attendance at this school, so that they may see and hear the right way, and go and do likewise."<sup>3</sup>

That it was also the general plan of the church officials for the Parent School to train teachers may be noted in the fifth general epistle to the church membership, written in April, 1851. They said:

The Parent School is in successful operation in the council house, under the tuition of Chancellor O. Spencer and Regent W. W. Phelps. The design of this school is to prepare its pupils to become teachers, and for all who may desire to advance in the higher branches of education.<sup>4</sup>

The Parent School, however, was discontinued as a center of training within a very short time, and therewith all institutional education beyond the mere rudiments of learning in the ward schools terminated. The problem of isolation without the ability to perpetuate educational leaders soon became apparent. It was this situation that gave Governor Young some anxiety when he said to the Legislative Assembly in 1854, "At this moment, there is not a parent school for the instruction of teachers . . . a mathematical or high school where the higher branches are taught in all the Territory."<sup>5</sup>

No society can be maintained on a high educational plane without a continuous supply of adequately trained instructors who can provide leadership to the oncoming generations. Many factors contributed to Utah's early educational predicament, but the fact remains that her schools drifted to a low ebb because of an insufficient number of qualified people who could provide learning experiences of a high quality. The teacher shortage became apparent shortly after the law was passed in 1860 which created the office of county superintendent of schools and which required these officials to submit reports to the territorial superintendent of schools.

<sup>2</sup>*Deseret News*, Vol. 1, November 16, 1850.

<sup>3</sup>*Deseret News*, Vol. 1, February 22, 1851.

<sup>4</sup>Brigham Young, Heber C. Kimball, and Willard Richards, "Fifth General Epistle to the Church," April 8, 1851.

<sup>5</sup>Brigham Young, *op cit.*, p. 98.

In his report dated January 14, 1863, Territorial Superintendent Robert L. Campbell began a series of proclamations to the legislative body stressing the need for many more qualified teachers. Within this report he urged the establishment of "schools for teachers" in "all the principal towns."<sup>6</sup>

In 1865 the superintendent again declared:

The greatest lack from which our educational interests suffer, is that of qualified teachers. . . .

Any measure that the Assembly may devise, which would be an incentive to our youth to qualify themselves to become teachers would be a step that would greatly enhance the cause of education.<sup>7</sup>

Throughout the 1860 decade Superintendent Campbell repeatedly urged some centralized method of training teachers for the settlements of the territory. He proposed free scholarships for which the benefactor would agree to return to his county as a teacher for a given period of time. When the university was reorganized and made an academic institution in 1869, Campbell lost no time in working for a normal department to train teachers, and likewise urged the Legislative Assembly to grant free scholarships. In his report for 1868, dated February 16, 1869, he said:

The Superintendent urges upon the Legislative Assembly the importance of establishing, and maintaining a Normal School, in which the youth of the Territory can be qualified for acting in the important sphere of school teacher. There is not anything connected with the educational interests of the Territory which demands attention more than this. The universal interrogatory by School Trustees from every part of the Territory, who are attending to their duties, is: can you send us a qualified teacher?<sup>8</sup>

A year later the university was established and a normal department made a part of the institution, and for this act Campbell expressed deep appreciation. In his report for 1871 he said, "The cry from north to south, is 'Send us competent teachers.' "<sup>9</sup> Likewise, in his report dated January 31, 1874, Campbell declared, "One of the greatest needs in our educational interests is competent teachers."<sup>10</sup> Throughout his life as an educational leader Campbell continued to appeal to the legislative body for some assistance in procuring more qualified teachers.

Territorial Superintendent Riggs took up the battle for improved teaching personnel where his predecessor left it and continued onward with this urge for adequate instructors. He declared

<sup>6</sup>Robert L. Campbell, *Territorial School Report*, 1862-63.

<sup>7</sup>Robert L. Campbell, *Territorial School Report*, 1865.

<sup>8</sup>Robert L. Campbell, *Territorial School Report*, 1868.

<sup>9</sup>Robert L. Campbell, *Territorial School Report*, 1871.

<sup>10</sup>Robert L. Campbell, *Territorial School Report*, 1872-73.

that the county superintendents asserted, "Our principal want is qualified teachers," and Riggs, in support of this need, maintained that "with but few exceptions, our teachers are ill qualified to occupy the responsible position [of teaching]."<sup>11</sup>

From one to another the school reports, without exception, indicate the dire need for well prepared instructors. In his report for 1880-81, Territorial Superintendent L. John Nuttall said, "I find in my travels in the Territory, and from the many applications that are made from various quarters, that there is a great and growing demand for thoroughly qualified teachers."<sup>12</sup> Likewise in his report for the years 1882-83, Nuttall declared, "There is an increasing demand for good and well trained teachers. . . ."<sup>13</sup> Thus, the problem of teacher shortage continued throughout territorial and into state history. In the first report of the state superintendent, Dr. Park declared, "From the beginning of the current year there has been a marked scarcity of trained teachers."<sup>14</sup> The second report of the state superintendent contains a series of county superintendent reports. In turn, these school officials describe the status of the schools in the counties and from the description given, one must conclude that many teaching stations were either unfilled or occupied by individuals insufficiently trained. County Superintendent N. T. Porter, said, "Not more than sixty per cent of the teachers are efficient. . . . Twenty per cent are beginners. . . . The professionally trained teachers, comprising about two-fifths of the entire number employed are doing excellent work."<sup>15</sup> Superintendent Oscar Van Cott, of Salt Lake County, said, "The supply of generally efficient teachers is not equal to the demand."<sup>16</sup>

Occasionally advertisements, written to attract teacher interest, were placed in the newspapers. On April 2, 1871, the following appeared in the *Salt Lake Daily Herald*:

#### SCHOOL TEACHERS ATTENTION

Wanted—A competent Female School Teacher—at the Lower School District, Mill Creek Ward, Salt Lake County. Liberal salary, and employment during Spring and Summer offered.

For further information apply to Alexander Hill, or Bishop Miller.

By order of the Board of Trustees.<sup>17</sup>

<sup>11</sup>O. H. Riggs, *Territorial School Report*, 1874-75.

<sup>12</sup>L. John Nuttall, *Territorial School Report*, 1880-81.

<sup>13</sup>L. John Nuttall, *Territorial School Report*, 1882-83.

<sup>14</sup>John R. Park, *First Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1896*, p. 33.

<sup>15</sup>John R. Park, *Second Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1898*, p. 177.

<sup>16</sup>*Ibid.*, p. 184.

<sup>17</sup>*Salt Lake Daily Herald*, Vol. 1, April 2, 1871.

*Enhancing teacher ability.*—It was near the close of the first decade of this century before a marked change in the teaching personnel was noted. The state normal school, the branch normal school, the Brigham Young Academy, teacher institutes, summer schools, and county and state teacher associations, all contributed toward this improvement. Progress was evident by 1909 and 1910, as depicted in the county and city superintendents' reports of that date. Superintendent G. M. Mumford of Murray said: "A high standard of efficiency is still maintained in the teaching force, and it is the aim of the Board to employ teachers who have at least normal or state certificates."<sup>18</sup>

The Beaver County superintendent declared, "A great effort is exerted to get good teachers."<sup>19</sup> Speaking of the quality of instructors, the Box Elder County superintendent asserted, "The general efficiency is very good."<sup>20</sup> On the same topic the Cache County superintendent maintained, "The general efficiency of our teachers is getting better every year."<sup>21</sup> Of the teacher status in Davis County, Superintendent Burton wrote, "Seventy per cent of our teachers rank high in general efficiency."<sup>22</sup> Woodward of Emery County said, "The standard of efficiency in the teaching corps of this county has been raised very materially during the last few years."<sup>23</sup> The superintendent of Iron County said, "The efficiency of the teachers is good. The majority are normal graduates."<sup>24</sup> Of Juab County teachers the superintendent wrote, "The general efficiency of the teachers of Juab County is exceptionally good,"<sup>25</sup> and of the Rich County teachers the county school official noted, "For the past two years the efficiency of our teachers has been very good."<sup>26</sup>

An examination of the school reports indicates that only during short periods of time in Utah's history has there been a sufficient number of well-trained teachers to fill all teaching positions. The existing economy of any given time has in part determined the teacher supply, for the teacher's salary has seldom been comparable to that paid other workers with similar training. Both of the world wars have contributed greatly to teacher shortages. Many of the young men left teaching positions to enter military service. Higher

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<sup>18</sup>A. C. Nelson, *Eighth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1910*, p. 353.

<sup>19</sup>*Ibid.*, p. 357.

<sup>20</sup>*Ibid.*, p. 360.

<sup>21</sup>*Ibid.*, p. 363.

<sup>22</sup>*Ibid.*, p. 366.

<sup>23</sup>*Ibid.*, p. 370.

<sup>24</sup>*Ibid.*, p. 377.

<sup>25</sup>*Ibid.*, p. 380.

<sup>26</sup>*Ibid.*, p. 393.



salaries elsewhere prevented the training of an adequate number of teacher replacements. On both occasions standards for teacher certification, or authorization in lieu thereof, have of necessity been lowered. From the autumn of 1941 to the early winter of 1942, the state suffered more than a 50 per cent teacher turnover. One district had a 200 per cent loss of teachers, and another more than 136 per cent turnover.<sup>27</sup>

The lack of a graded school organization in early Utah contributed to the teacher shortage. High schools were almost nonexistent in the territory and were few in the state until well after the turn of the century. The prevalent schools were the small district common schools in the several counties. For many years attendance was very poor, and those who did attend intermittently, terminated their education with the completion of the eighth grade. The University of Deseret, and thence the University of Utah, existed as the crowning head of the public school system, but was forced to admit students with very meager training for college work because there were no high or preparatory schools.

The small district pattern of school organization retarded progress in teacher supply and training. The local trustees religiously held to their right to select teachers. This incompetent administration existed in many of the districts even after consolidation. Typical of many, one county superintendent in the biennial report ending in 1910, declared: "The trustees take this matter [of employing teachers] wholly upon themselves, and it is seldom that the county superintendent is called in to advise in the hiring of teachers."<sup>28</sup>

### TEACHER EDUCATION

*Normal school training.*—As indicated above, in his career as territorial superintendent, Campbell recognized a dire need for training beyond the common schools, and in his report for 1862-63 suggested that the larger towns in the territory might well provide "schools for teachers."<sup>29</sup> Throughout the remainder of his life this educational leader worked for the establishment and development of the university normal school. In the early part of the 1860 decade he recommended to the Legislative Assembly that a territorial appropriation be made "to defray the expenses of those pupils, who had mastered the elementary branches of education and who were

<sup>27</sup>N. Blaine Winters, "The Teacher Situation in Utah," *Utah Educational Review*, February, 1943, pp. 156-162.

<sup>28</sup>A. C. Nelson, *op. cit.*, p. 357.

<sup>29</sup>Robert L. Campbell, *Territorial School Report*, 1862-63.

willing to declare in writing that it is their intention, in further qualifying themselves to become teachers in this Territory."<sup>80</sup> In this request Campbell definitely foresaw the law that was later enacted which provided for the free scholarships given to the students in the normal school at the University of Deseret and afterward the state university. In his school report for the year 1868, he declared:

The Superintendent urges upon the Legislative Assembly the importance of establishing, and maintaining a Normal School, in which the youth of the Territory can be qualified for acting in the important sphere of school teacher. There is not anything connected with the educational interests of the Territory which demands attention more than this.<sup>81</sup>

His anxiety for the normal school and his hopes for the service it might render to education, were again expressed when he wrote his report dated January 19, 1870, stating:

The Superintendent congratulates the Assembly upon the success attendant upon the establishment of the University. To the normal department of this institution does the Territory look with anxious solicitude for a supply of school teachers—the great desiderata of our educational interests.<sup>82</sup>

The normal school was not immediately put into operation when the University of Deseret was reorganized in 1869. In his report to the Legislative Assembly dated January 31, 1872, Campbell once more declared:

The Superintendent renews his recommendation for the establishment of a Normal School, in which our youth intending to qualify themselves to become professional teachers, can do so at a minimum rate of expenditure. If the public block on the east of the 20th ward of Salt Lake City were secured, and suitable buildings erected thereon for a Normal School, with attached or adjacent rooms for the accommodating of pupils with bed and board, or matrons in charge who would for a slight remuneration cook the victuals of Normal pupils that might choose to bring their own provisions, a stimulus would be given in a direction from which much good would redound to our school interests.<sup>83</sup>

Campbell was able to create considerable discussion and interest about the normal school. Bills were written, discussed, and rewritten in the Legislative Assembly in which proposals were made to create a normal school. At last a normal training division was by statute created as a part of the University of Deseret, but at first was not given financial aid. Any contribution the normal school made until the middle of the 1870 decade was, in the opinion of

<sup>80</sup>Robert L. Campbell, *Territorial School Report*, 1865-66.

<sup>81</sup>Robert L. Campbell, *Territorial School Report*, 1868.

<sup>82</sup>Robert L. Campbell, *Territorial School Report*, 1869.

<sup>83</sup>Robert L. Campbell, *Territorial School Report*, 1871.

the territorial superintendent, very nominal. In his report dated January 31, 1874, Campbell proposed that institutes be held in the several counties "in the absence of a Normal School."<sup>34</sup> The repeated requests of Campbell, who felt the pressing need for trained teachers, in time impressed the Legislative Assembly and others in prominent public positions. Distinct recognition and aid were given the normal training program by the Legislative Assembly when on February 18, 1876, an act was passed that gave aid to students taking normal training. Twenty-five thousand dollars was appropriated by the assembly to the schools of the territory. Of this amount four-fifths was to be used "in paying school teachers," and five thousand dollars was placed at the disposal of the university officials, "Provided, that forty pupils annually shall be instructed free of charge, for tuition, books, or apparatus, for one year in the normal department of said university."<sup>35</sup> The law further provided that the territorial superintendent select the normal school pupils from those nominated by the county superintendents. Pupils so selected and trained were required to sign "an obligation" to the territorial superintendent that he or she would teach one year as a district school teacher for each year of free tuition received.

From time to time this law was amended. For example, in 1880 the school laws were altered somewhat, but without greatly influencing the normal training program. The normal school grant of aid to pupils remained the same; that is, five thousand dollars was appropriated to the university for the training of forty pupils. In that year the amendment provided for the county board of examination, rather than the superintendent, to nominate the pupils, and required the county superintendent to request the normal pupils to do their teaching "within two years from the date of his or her graduation."<sup>36</sup>

The status of normal school students was given added dignity by the law of 1880 which stated that those individuals holding a normal certificate of graduation from the University of Deseret shall be entitled to teach in any of the district schools of Utah, provided that the certificate be endorsed by the board of examination attesting to the moral character of the holder.

In 1888 this law was again amended. At that time an appropriation of ten thousand dollars was made to the university for the education of normal school pupils, and the number of scholarships

<sup>34</sup>Robert L. Campbell, *Territorial School Report*, 1872-73.

<sup>35</sup>*Laws of the Territory of Utah*, 1876, sec. 20 of "An Act Providing for the Establishment and Support of District Schools, and for Other Purposes."

<sup>36</sup>*Laws of the Territory of Utah*, 1880, ch. 19, sec. 20.



offered was increased from forty to fifty. The board of examination was still given the mandate of making the nomination of pupils, and was required to do so before the first day of July of each year or to sacrifice this privilege by September 1. Agreement was made with the normal pupils that they return to the university an amount of money equal to that expended for their tuition in case they failed to teach in some one of the district schools for a time equal to that spent in school attendance at the normal division of the university.<sup>87</sup>

In 1896 the University of Deseret was changed to the University of Utah and therewith the power and influence of the normal school was extended. The course of instruction "may extend" to a four-year period of time for graduation. Practice teaching and instruction in pedagogy were specific requirements. Fifty appointments to free scholarships could be made each year for a period of two years, thus allowing free instruction continuously to one hundred students. Graduates from the normal course were granted a five-year teaching certificate for all of the common schools of Utah; and in case the normal course was completed with a degree of prescribed subjects, the holder was entitled to teach in both common and high schools.<sup>88</sup>

The 1896 law controlling scholarships to the normal school of the university was amended in 1899 in such a way that the number was extended to two hundred free scholarships. Fifty of the appointments were to be made each year for the full four years of normal training.<sup>89</sup>

With the establishment of a state board of education and a superintendent of public instruction by constitution and statute in 1896 when Utah emerged from a territory, the entire educational program became much more centralized than was formerly the case. The training and certification of teachers became more unified, and the state university continued its method of normal training for teacher education and certification. The plan of issuing free or partially free scholarships continues to the present time. While this practice throughout the years has helped to prepare teachers for the schools of Utah, the number deriving benefit therefrom in recent years, in relation to the total number receiving teacher training, is relatively small.

At no time in history has the normal school of the university

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<sup>87</sup>Laws of the Territory of Utah, 1888, ch. 22, sec. 1.

<sup>88</sup>Laws of Utah, 1896, ch. 83, sec. 5.

<sup>89</sup>Laws of Utah, 1899, sec. 1 of "An Act Creating Free Scholarships to the State Normal School."



been able to supply a sufficient number of teachers for the entire state. During its earlier years the number was very limited. At the time Utah became a state there were 367 enrolled as normal students; but all of these did not complete their work, nor did all of those who completed their course enter into the teaching profession. In the board of regents' report for 1896, declaration was made that "last June forty Normal students were graduated, the largest graduating class in the history of the school."<sup>40</sup> It is obvious that with the usual turnover of teachers in Utah, this number would be entirely insufficient to supply an adequate force of trained teachers. The need for trained teachers at that point in Utah's educational history may further be noted from the statement of the state superintendent when he said, "The demands for teachers holding the State normal diplomas have been so numerous that at least twice the number graduated last year could this year have found employment in the public school service."<sup>41</sup>

*Extension of the teacher training program.*—As indicated above, Utah had but a very limited plan of training students for collegiate study. High schools were very limited until after the beginning of the present century; therefore, the subject-matter of the normal course was necessarily elementary. Preceding the turn of the century, three courses were offered at the state normal school. These comprised: (1) a four-year normal course, (2) a four-year kindergarten course, and (3) a course "of collegiate grade." For completion of the first two courses, certificates to teach in the common schools were given, and for completion of the last mentioned course, both a baccalaureate degree and a normal diploma were issued.<sup>42</sup> Following statehood, however, the period of training was extended and the quality and quantity of training increased. The normal school was organized to comply with the new laws on teacher certification.

In its relatively early history, the state normal school included "a Training School and a Kindergarten."<sup>43</sup> Kindergartens were declared to be a part of the public school system by the constitution and emphasis was given in training teachers in that field. Historically, however, kindergartens have been but a limited part of

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<sup>40</sup>Report of the University of Utah, by the Board of Regents and the President, for the year 1896, p. 22.

<sup>41</sup>John R. Park, *First Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1896*, p. 33.

<sup>42</sup>Biennial Report of the Board of Regents of the University of Utah for the Years 1897-98, p. 16.

<sup>43</sup>Emma J. McVicker, *Third Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1900*, p. 60.

the school organizations of the several school districts of the state. The regular normal school training soon incorporated model schools where the trainee could observe the best known methods and techniques of kindergarten education.

Constant growth of the state normal school into the school of education, with appropriate training for all phases of teacher education, continued and ultimately became a certainty and an integral part of Utah's higher education. In his report to the state superintendent of public instruction in 1908, the principal of the normal school, W. M. Stewart, said:

The Normal School has evolved into a teachers' college preparing teachers for every department of public school work. It now takes its place as one of the colleges of the University, requiring a four years' high school course for entrance, the same as all other schools of the University. . . . On the completion of the full four years' work in the Normal School, or School of Education, either the A. B. or B. S. degree of science is given which entitles the holder to a high school diploma. Courses are offered for the training of teachers for special subjects such as manual training, domestic science, domestic art, music, nature study, physical training, etc. By placing the Normal School one of the colleges of the University it places our school for training teachers on a par with the best schools of its kind in this country.<sup>44</sup>

For many years the training school was operated by the university in cooperation with the Salt Lake City Board of Education. The board paid the university a sum of money for the education of the children in the training school. Salt Lake City schools have furnished laboratory schools for the training of the university or normal students. The cooperative plan has had certain merit, but at intervals it has been referred to as an "inharmonious arrangement."<sup>45</sup> The growth and expansion of the normal school has always been beyond the physical facilities available to accommodate the trainees, and to this day, only the elementary school is operated by the university as a training school. The training of teachers in secondary school methods is done outside of the university proper.

*The Branch Normal School at Cedar City.*—At the time the University of Deseret was founded in 1850, it was planned that other branch institutions should be established as conditions warranted. A somewhat similar plan existed after Utah became a state, and a number of requests, particularly for normal schools,

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<sup>44</sup>A. C. Nelson, *Seventh Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1908*, p. 171.

<sup>45</sup>*Biennial Report of the Board of Regents and the President of the University of Utah for the Years 1914-15*, p. 9.

were made of the legislature. Of the state teacher training institutions, perhaps the Branch Normal School at Cedar City was best known. This institution was created in 1897 by legislative enactment. Fifteen thousand dollars was appropriated for the biennium following. Certain requirements were made of the local residents of Cedar City that could not entirely be met, and hence for the first year or so the school suffered some handicaps, but it did meet an existing need in southern Utah. In December, 1898, President J. T. Kingsbury of the University of Utah, wrote the following concerning the newly created normal school:

The branch of the State Normal School in Cedar City is in a flourishing condition. The first year the enrollment reached 119, and the indications are that this year it will reach 150. Never have I seen the citizens of any part of the State take more interest in any school than the citizens of Southern Utah have in this school. It was certainly a wise provision in establishing a branch of the State Normal School in Southern Utah. The present arrangement of the school in connection with the University has been very satisfactory. Young men and women wishing to become teachers can receive the first three years of their work at the Branch Normal and then go to the Normal School of the University and receive their technical training. This arrangement will secure both economy and the highest efficiency.<sup>46</sup>

By 1906 the university report stated that the Normal School at Cedar City was in a prosperous condition and "through it, the state is being furnished with a larger number of male normal students than by any other course."<sup>47</sup> Likewise, the following biennial report stated: "The Branch Normal School is doing excellent work and it has been a boon to the people of Southern Utah."<sup>48</sup> It was not long-lived, however, as an institution specifically designated for the training of teachers. It was supplanted by the Branch Agricultural College, a state-supported junior college, which still continues at that place.

#### OTHER NORMAL SCHOOLS SUPPORTED BY PUBLIC FUNDS

*Normal schools at Provo.*—The founders of the University of Deseret planned for branch institutions as the territorial population increased and as the common schools needed trained teachers. In April, 1870, a branch of the University of Deseret was established at Provo. This school developed until it had about two hundred students in daily attendance. Like some of the other educational

<sup>46</sup>*Biennial Report of the Board of Regents of the University of Utah, for the Years 1897-98*, pp. 21-22.

<sup>47</sup>*Biennial Report of the Board of Regents of the University of Utah, for the Years 1905-06*, p. 26.

<sup>48</sup>*Biennial Report of the Board of Regents of the University of Utah, for the Years 1907-08*, p. 22.

endeavors in early Utah, it existed for only a short time; but in its place, in November, 1875, the Brigham Young Academy, later the Brigham Young University, was organized. Soon after, the policy of having the county court appropriate a sum of money to defray the tuition of a number of students at the Brigham Young Academy was introduced and followed for many years. On November 10, 1876, Superintendent W. H. Dusenberry

. . . submitted a petition [to the county court] asking aid for the support of the Normal class now being taught by Prof. Karl G. Maeser. . . . The Superintendent was instructed to notify the citizens of this county that this court will provide the tuition for 26 pupils to attend the said normal class and the academical dep't of the Brigham Young Academy.<sup>49</sup>

The religious homogeneity of the residents of Utah at that date eliminated any opposition to the court giving assistance to a private school. This grant of the court continued over a long period of time and helped in the training of teachers for Utah and other counties.

A number of counties sent delegates to the Legislative Assembly to request the establishment of normal schools. Some were initiated, but did not continue over a prolonged period of time. Other requests were denied. During the legislative session of 1876, John T. Caine addressed the following to the legislative council:

The Committee on Education to whom was referred the motion of Councillor W. S. Snow 'That the sum of one thousand dollars be placed in the Territorial Appropriation Bill for the benefit of a branch of the Normal School in Sanpete County,' respectfully report that they have considered the matter and find that said county derives a proportionate share, according to its school population, of all moneys appropriated for District Schools, and has the privilege of sending its proportion of pupils to the Normal School in this city, and as the Assembly has appropriated liberally for general school purposes this session, we do not deem further appropriation necessary.

The same reasons apply to similar amounts asked for, respectfully by the Counties of Rich, Utah and Washington.

Your Committee, therefore, recommend that the motions do not pass, nor the amounts be appropriated.<sup>50</sup>

The interest of local residents of different parts of the territory in territorial aid for normal schools persisted. In 1878 the following statement was written in the journal of the Legislative Assembly: "Mr. Milner, of the committee on Education, reported petition of 630 citizens of Beaver County, for an appropriation of \$2,000 to aid in establishing and conducting a normal school in that

<sup>49</sup>County Court Records of Utah County, Book A., 1876, p. 322.

<sup>50</sup>Journal of the Legislative Assembly, 1876, pp. 222-23.



county, with the recommendation that the committee on Claims be instructed to insert in the Appropriation Bill that amount for that purpose."<sup>61</sup>

*The St. George Normal School.*—The partial isolation of the early colonies of southern Utah necessitated specific educational, religious, and social plans for the residents of that portion of the state. In the spring of 1874, and for a time thereafter, a normal school was in operation at St. George. Mr. Henry Shultz was the principal character associated with it as instructor. Much of what is known about this attempt to initiate a teacher training school is found in some early diaries and certain correspondence between the board of trustees of the normal school and Mr. Shultz.<sup>62</sup> The school did receive some money from the Legislative Assembly, but most of the compensation received by Shultz (all of which seemed to be very unsatisfactory and insufficient to him) came from gifts in produce, some tuition fees, tithing, labor, wood, and some factory orders.

*Latter-day Saint church-supported training schools.*—Beginning with the Brigham Young Academy in 1875, the Latter-day Saint Church established a number of academies in Utah and adjacent states among the Mormon colonies. While the objective of these church academies was primarily to give religious instruction to those who claimed membership in the church, they existed at a time when the standard of training for teachers was lower than it is today, and hence many who received training in those schools entered the teaching field. This church system of academies remained until the early part of the 1930 decade and during that time made a significant contribution to the education of the youth of the state.

*Other church schools.*—The initial attempt to isolate the founders of Utah from the remainder of the people of the nation was never completely successful. In 1849 the California gold rush brought large numbers of migrants through Utah and some of them remained. From that time onward an increasing number of people came into the valleys of the Great Basin and made permanent homes. The schools at first were taught by Mormon people and little or no distinction was made between church and state schools. Religion played an important role in the education of all

<sup>61</sup>*Journal of the Legislative Assembly*, 1878, p. 315.

<sup>62</sup>Letters provided by Juanita Brooks, on file at State Historical Society, Salt Lake City, Utah.

the children. This situation brought considerable criticism from those who did not accept the Mormon theology. The distinct cleavage that emerged in the schools of the territory extended to the teacher training policies and impelled other religious denominations to plan training programs for their prospective teachers. In the years preceding statehood the determination of the non-Mormons to eliminate all religious influence from the schools was very noticeable. Overt antipathy among church-supported schools is non-existent at present, and several churches support institutions of higher education that offer training to teachers that leads to state certification.

### PLANS FOR PROFESSIONAL GROWTH

*The county institute.*—The first teacher institutes were voluntary on the part of those who initiated, as well as those who attended them. Much encouragement was given trustees and county superintendents by the territorial superintendents. In his report terminating the year of 1873, Superintendent Campbell advocated the county plan of institute as a method of giving instruction that would aid teachers to “be qualified to do better and more efficient work in the schoolroom.”<sup>53</sup> Twenty years after the county institutes were first introduced, Territorial Superintendent Nuttall described their importance as a teacher training device in the following words:

An important feature in connection with the duties of a county superintendent is the organization of county teachers' institutes. These institutes are a conference of the teachers for the purpose of mutual improvement in the duties of the school room, for the consideration of educational questions, and for creating and fostering mutual professional sympathy, and for bringing about a concert of action for the elevation and gradation of the schools of the county. Where these institutes have been established and sustained, they have been productive of great good. . . .<sup>54</sup>

In his 1886-87 report, Commissioner P. L. Williams began a vigorous campaign for financial assistance to the county institutes. Preceding that time he said that the teachers had paid the entire cost of the meetings because of the value they received from an interchange of ideas. Williams maintained that the counties should pay the cost in order to perpetuate and improve these valuable teacher-development services.<sup>55</sup> At the termination of the

<sup>53</sup>Robert L. Campbell, *Territorial School Report*, 1872-73.

<sup>54</sup>L. John Nuttall, *Territorial School Report*, 1880-81.

<sup>55</sup>P. L. Williams, *Territorial School Report*, 1886-87.

1890 biennium, Commissioner Boreman advocated financial assistance by either the territory or the counties. He said:

In the more densely populated counties, teachers' institutes are held during the summer. They are generally well attended and are manifestly of great value to the teachers, who certainly appreciate them, for they have willingly borne all the expense incidental thereto. This it seems to me, ought not be allowed, but some provision should be made by legislative enactment for the public, either the counties or the Territory, to pay such expenses and to provide for the holding of such institutes.<sup>66</sup>

In 1890 the Legislative Assembly passed a law that provided funds to defray the cost of the county institute, allowed several counties to join for institute purposes, and made it mandatory for teachers to attend. This statute enhanced the value of this plan as a device of teacher education. Portions of the law follow:

Sec. 20. The county superintendent shall annually hold a teachers' institute for the instruction of teachers, and those who desire to teach, and procure such assistance as may be necessary to conduct the same. Said institute shall be held at such time as the district schools in the county are generally closed, and it shall be the duty of the county superintendent to see that all teachers in his county are notified of the time and place of holding the same; such institute, shall hold a session of not less than two or more than five days. The actual expense of holding the institute, which shall not exceed fifty dollars in any one year, shall be paid out of the county school fund. . . . Union institutes may be held by two or more counties, with an additional expense of not more than fifty dollars for each additional county represented, the whole expense thereof to be divided equally among the counties so represented. . . .

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Sec. 61. When a teachers' institute is appointed to be held for any county, it shall be the duty of the county superintendent to give written or printed notice of the time and place of holding such insitute, at least ten days before the opening of the same, to each teacher in the district schools in the county, and as far as possible to all others not engaged in teaching, who are holders of teachers' certificates. Each teacher receiving such notice who is engaged in teaching during a period which includes the time of holding such institute shall close school during the holding of such institute and attend the same, and shall be paid by the school board of the district one-half of his regular salary as teacher for the time, during which he attended such institute as certified by the county superintendent. The certificate of any teacher may be revoked by the county board of examiners when upon due examination and inquiry it appears that he is guilty of inexcusable neglect or refusal to attend teachers' institute held for such county.<sup>67</sup>

In 1892 this law requiring the superintendent to hold the institutes was slightly amended. The length of the session was to be not less than two or "more than ten days." A possible substitute

<sup>66</sup>Jacob S. Boreman, *Territorial School Report*, 1888-89.

<sup>67</sup>*Laws of the Territory of Utah*, 1890, ch. 72, secs. 20 and 61.



for the institute was permitted in the newer law that states, educational "meetings held once or twice a month during each year shall be equivalent to the institute" depicted within the statute.<sup>58</sup> The later law granted to the teacher full-time compensation for attendance at the institute, providing it was held during the time that his or her school was in session.<sup>59</sup>

With the attainment of statehood, the state superintendent assumed the major responsibility in directing the institutes. In case of a joint assemblage with two or more counties, the law required him to direct the institute.<sup>60</sup> Thus, his influence in this teacher training program was recognized, and in 1907 a statute was enacted that gave the state superintendent the leadership and authorized him to work with the principal of the normal school and the county superintendent. These three formed a governing "board for the holding of County Teachers' institutes." By mandate it was the duty of "this board of three persons . . . to prescribe the subjects of instruction, and . . . engage the instructors."<sup>61</sup>

The importance attached to attendance at the institutes may be noted in the fact that not only was it required by law, but the state board of education seriously attempted to enforce the law. There were times when all teachers did not attend, and when reports of this situation were made to the state board, the members of this governing body "decided to write each one of those who were absent, reminding them of their duties and asking them to give reasons why their certificates should not be revoked according to law."<sup>62</sup>

Frequent criticisms of the institute were made by the state superintendent and others, with the hope of improving practices then in operation. In 1898 the superintendent declared that institutes held during the summer months were not successful because teachers could not leave their work to attend these educational meetings. A second complaint made at that time was that the institutes were usually directed by college professors who were specialists in a given field of subject matter, but who, according to the superintendent, did little to help teachers of little children.<sup>63</sup> At that time the chief state school officer recommended an institute conductor to be associated with the normal school. Two years

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<sup>58</sup>*Laws of the Territory of Utah*, 1892, ch. 80, sec. 20.

<sup>59</sup>*Ibid.*, sec. 61.

<sup>60</sup>*Laws of Utah*, 1896, ch. 130, sec. 31.

<sup>61</sup>*Laws of Utah*, 1907, ch. 121, sec. 1.

<sup>62</sup>*Minutes of the State Board of Education*, January 4, 1908, p. 149.

<sup>63</sup>John R. Park, *Second Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1898*, pp. 40-41.



later the superintendent again vigorously recommended "a special institute conductor for the whole state."<sup>64</sup>

From an early date the state normal school was generous in supplying speakers and other educational assistance to the several county institutes. October 6, 1903, the county and city superintendents of the state made formal request of the university officials to provide a two week's training school as a desirable means of teacher education. This request was granted and the first one of its kind in Utah was held from June 6 to June 18, 1904,<sup>65</sup> at the state normal school. Practice teaching and observation were provided for those who attended. Many of the procedures initiated at that time have become common practice. Frequently public schools throughout the state were used for demonstrations which served as a background for discussion and analysis. One such situation is reported by Dr. Park in his first report when the Price teachers were "called upon . . . to give practical lessons to classes of pupils. These lessons were criticised during the sessions of the Institute."<sup>66</sup>

By 1910 the state superintendent declared teachers' institutes were operative in more than forty states. For Utah he said, "It has become an integral part of our progressive school system."<sup>67</sup> The peak of institute gatherings in Utah came about 1912. All counties held them, thus providing a general educational opportunity for the entire populace. State Superintendent Nelson said at that time:

The real function of a teachers' institute is to secure better teaching. This fact has not been lost sight of. Instruction in subject matter and in approved teaching methods has been given, but in addition to this, the institute has been made to serve another purpose. Public meetings as well as teachers' meetings have been held at which the communities invariably have turned out en masse to listen to discussions of questions relating to home and community life. The interest aroused in civic duties, in current social problems at these public meetings is perhaps equal in value to the help which has been given to teachers for their special work.<sup>68</sup>

By 1914 the state superintendent reported that "Institutes have been held twice in each county of the state during the last biennium;"<sup>69</sup> but in 1915 all small school districts in Utah were

<sup>64</sup>Emma J. McVicker, *Third Report of the Superintendent of Public Instruction of the state of Utah, for the Biennial Period Ending June 30, 1900*, p. 27.

<sup>65</sup>A. C. Nelson, *Fifth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1904*, pp. 316-17.

<sup>66</sup>John R. Park, *First Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1896*, p. 79.

<sup>67</sup>A. C. Nelson, *Eighth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1910*, p. 32.

<sup>68</sup>A. C. Nelson, *Ninth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1912*, p. 33.

<sup>69</sup>A. C. Matheson, *Tenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1914*, p. 34.

eliminated and a program of supervision was introduced that partially replaced the objectives of the institute. In the enlarged school districts, in-service training of teachers was carried on under the direction of the superintendent and whatever supervisory staff he might have available for that purpose. At the time consolidation of schools was effected, the law providing for a state board of institute directors was repealed.<sup>70</sup> With consolidation, likewise, came a period when teachers were motivated to devote more time to professional preparation, for the certification laws were altered in such a way that additional advanced training was necessary. Much of this teacher-training work was replaced by the growing summer schools. All of these factors contributed toward replacing the institute as a method of teacher education with college attendance and teacher training preparatory to teaching services.

*The Territorial Institute.*—Teachers in Utah schools during that period of time when there was a dearth of educational opportunity beyond the eighth grade were not unaware of their lack of training. It was their realization of this fact that impelled them to organize themselves into groups for study purposes. The county teacher association and the county institute came first; but once these were established, the teachers began urging territorial meetings. The first territorial institute was held in July, 1873. This institute continued for a month and had more than one hundred teachers enrolled. It was acclaimed a great success by those who participated, and "the Superintendent was petitioned by all present to continue the same yearly."<sup>71</sup> In August, 1875, one such territorial institute was held for two weeks' duration. One hundred and thirty-seven teachers from eleven counties assembled for this training. The objective is expressed by Territorial Superintendent Riggs, who said: "The design of the Normal Institute was to give to the teachers of the Territory a series of lessons, imparting a knowledge of the best methods of instruction."<sup>72</sup> These territorial gatherings were held intermittently, but not annually. In 1881 Territorial Superintendent Nuttall urged a plan of institute on a territorial basis comparable to the pattern established by the counties. In part he said:

A Territorial institute . . . held annually in Salt Lake City, we believe, should be established, and which would do much toward stimulating the organization of county institutes throughout the Territory, besides the direct in-

<sup>70</sup>E. G. Gowans, *Eleventh Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1916*, p. 36.

<sup>71</sup>Robert L. Campbell, *Territorial School Report, 1872-73*.

<sup>72</sup>O. H. Riggs, *Territorial School Report, 1874-75*.

fluence they would have in developing a unity and harmony in our schools as a state system.<sup>73</sup>

### TEACHER ASSOCIATIONS

*Local teacher associations.*—Teacher associations emerged simultaneously with the institutes and at times these were not clearly distinguished, one from the other. The major objective in each instance was to provide a means of teacher growth. In 1860 the first teachers' association was organized in Salt Lake City with such men as Orson Pratt, Karl G. Maeser, H. I. Doremus, Robert L. Campbell, and William Willis as prominent members. Customarily these early teachers met weekly, gave lectures and provided illustrations of method and information with the use of the black-board.<sup>74</sup>

William Willis was elected secretary of the initial Salt Lake City teachers' association and wrote the *Deseret News* editor as follows:

Editor *Des. News*:—

Dear Sir: Knowing the lively interest you have always felt in connexion with the work of education among this isolated community, induces me to report the recent organization of the *Deseret Teacher's Association*, which has for its object, to promote the advancement and concentrate the efforts of school teachers in this city; and, as opportunities offer, throughout the Territory; to correspond with societies of a similar character wherever establishment, and also to aim at the attainment of uniformity in connexion with the practice of school teaching, by means of lectures, lessons, essays, readings, illustrations and criticisms. . . .<sup>75</sup>

The teachers of Utah County were holding teacher institutes as early as July, 1860, and at the same time were in the process of organizing themselves into an association. It was while one of these sessions was in progress on May 4, 1861, when they agreed "that a school teachers' and trustees' association for this county be formed."<sup>76</sup> A committee was selected which in turn prepared a constitution and by-laws for the association. This Utah County teacher association remained one of the major means for teacher improvement over many years of time. Meetings were frequent; for example, their record shows that during the school year of 1886-87, twelve educational meetings were held. Although Provo became a consolidated district in 1890, the teachers of that city

<sup>73</sup>L. John Nuttall, *Territorial School Report*, 1880-81.

<sup>74</sup>Riggs, *op. cit.*

<sup>75</sup>*Deseret News*, Vol. X, October 31, 1860.

<sup>76</sup>*Minutes of Utah County Teacher Association*, 1861. On file at the Office of the Board of Education, Provo, Utah.



remained a part of the county association. Such men as Charles D. Evans, C. W. Wandell, George H. Brimhall, Karl G. Maeser, Benjamin H. Cluff, and James E. Talmage were prominent in the association of Utah County.

Other county associations were organized shortly after Salt Lake and did much to provide a means of imparting information to the teachers and establishing a professional attitude among the members.

*Territorial and state associations.*—In 1870 a territorial association of teachers was organized. Robert L. Campbell was the first president, serving ex-officio in that capacity. This association met at first twice during each year in Salt Lake City. Such men as Dr. Park and Dr. Maeser, in addition to the territorial superintendent, were the chief promoters of this association. These educational gatherings aided not only in the training of teachers, but served to focus the interest of the populace at large on educational problems. Before the turn of the century the association officers were bringing lecturers from as far as Chicago. Likewise, such men as David Starr Jordan of Stanford University came as an instructor at that early date.<sup>77</sup>

The importance of this territorial and state association may be noted in the following report of 1904:

The Utah Teachers' Association has become an educational agency among us of far-reaching importance. In its annual meetings, usually held during the Christmas holidays, and extending over a period of three days, practically the entire force of the State is brought together. Such meetings are productive of a healthy, vigorous, educational sentiment which is taken by the teachers into every community of the State. . . .

The association today comprises the following named sections: Kindergarten, primary, grammar, high school and college, superintendents', school board, education and physical culture, music, parents' and the arts and crafts section. . . .<sup>78</sup>

Throughout the years of educational history in Utah the teachers have maintained relatively strong teacher associations. A large per cent of the teachers are not only members of the local district association, but are likewise members of the state and national associations, thereby indicating their faith in teacher welfare and educational growth through organized effort.

<sup>77</sup>Emma J. McVicker, *Third Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1900*, p. 167.

<sup>78</sup>A. C. Nelson, *Fifth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1904*, p. 324.



## CHAPTER XVI

### TEACHER PERSONNEL: SELECTION, CERTIFICATION, SALARIES, AND RATINGS

#### METHODS USED IN TEACHER SELECTION

*First teachers not selected by public agency.*—No public agency existed by law for selection of the first teachers in the Utah settlements. It is likely that either general or local church officials gave approval to anyone who proposed to establish a school, but laws controlling teacher certification and training were then non-existent in the Great Basin colonies. It was undoubtedly recognized as a significant public service to establish a school for any or all who were desirous of learning, and those best qualified to teach did so with an unselfish motive and a desire to contribute to the meager opportunities for an education. The first schools were essentially private-venture schools and in the main were taught by people who attained an education preceding their arrival in the Great Basin.

*Teacher selection by examining boards as directed by law.*—On March 3, 1852, the Legislative Assembly passed an act providing for the creation of school districts. The schools were administered by local trustees. The same act describes the method in which teachers were selected:

It shall further be the duty of the county court to appoint in their respective counties a board of examiners to consist of three competent men, whose duty it shall be to hear and determine the qualifications of school teachers, and all applicants of good moral character that are considered competent, shall receive a certificate to the effect signed by the board.<sup>1</sup>

The county board of examiners was common to Utah for many years and was the agency by which teachers were admitted to teaching services. Customarily this examining board was appointed by the court at the time districts were designated. On March 16, 1852, the second day of the county court in Salt Lake County, it was ordered:

... that the clerk notify the Bishops of the several wards in Great Salt Lake County forthwith in writing to cause a public meeting of the inhabitance of their respective wards, and cause their wards to be laid out into a school

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<sup>1</sup>*Laws of the Territory of Utah, 1852, sec. 3 of "An Act in Relation to Common Schools."*

district or districts with the boundaries thereof properly defined and report the same to the County Court at as early a date as practical.

2nd. Be it ordered

That Orson Spencer, Albert Carrington and Jesse W. Fox be and are hereby appointed inspectors of School teachers in and for Great Salt Lake County to determine their qualifications and grant certificates to such as they may think qualified to teach school.<sup>2</sup>

In Utah County the court convened in April, 1852, and on the 19th day of that month gave boundary to fifteen school districts in the county. The record further describes action of the court as follows: "It is hereby ordered that . . . Examiners of Common Schools for this county [be] John Banks, Alanson Norton, Joseph Kelly."<sup>3</sup>

Likewise, in Weber County on July 7, 1852, the "Court then proceeded to divide the county into School Districts." Ten districts were designated and given boundary. Continuing, the record states:

After the court had made or arranged the foregoing School Districts, they proceeded to make the Selection of three persons which should form a Board of Inspectors for the Said Districts to inspect all the School Teachers, which might offer themselves for the several Schools or any one of them. They made the following selection of Lorin Farr, David Moore, B. F. Cummings for the Board of Inspection according to Territorial Law.<sup>4</sup>

Not all of the counties were sufficiently settled for court operation or county government at that time, but as they became inhabited and courts were established, county after county provided for school district boundary lines and the teacher examination committee. On March 3, 1856, the county court of Box Elder divided that sparsely settled area into two school districts, and on that same date, "On motion Lorenzo Snow, Jonathan C. Wright and [Mr.] . . . Henderson were appointed a committee of examination to determine the qualification of School Teachers."<sup>5</sup> Logan was first given boundary on July 10, 1859, and on December 4, 1860, the court of Cache County appointed William B. Preston, S. M. Blair, and James H. Martineau, as a board of examination for school teachers for that county.<sup>6</sup>

*City examining boards.*—Some of the cities were incorporated early in the year of 1851 and given authority by the Legislative As-

<sup>2</sup>Record of the County Court of Great Salt Lake County, Book A., pp. 1-2.

<sup>3</sup>Records of the County Court of Utah County, Book A., p. 10.

<sup>4</sup>Journal of the County Court of Weber County, Book A., p. 9.

<sup>5</sup>Box Elder County Court Record, Book A., p. 3.

<sup>6</sup>Cache County Record of the County Court, Book A., p. 19.

sembly to operate their schools. Later these cities passed resolutions authorizing the appointment of examining committees for the schools within the city concerned. On January 19, 1851, the law-making body of Utah passed "An Ordinance to Incorporate Great Salt Lake City." A portion of this ordinance states: "The City Council shall have power and authority . . . to establish, support, and regulate common schools. . . ." On February 6 of that same year similar ordinances were passed by the assembly incorporating the cities of Ogden, Provo, Manti, and Parowan. The incorporating ordinance in each instance gave power to the city council to establish and maintain the schools as in the case of Great Salt Lake City. Since there were no clearly defined and established patterns to follow, different methods of providing examining boards were used. In certain instances during early educational history the cities operated independently of the county. By 1855 an ordinance was passed in Salt Lake City dividing the city into school districts and further stating:

There shall be a board of examination appointed by the city council for the several districts of the city, consisting of three competent persons, whose duty it shall be to hear and determine the qualifications of school teachers. All applicants of a good moral character, that are considered competent, shall receive a certificate to that effect, signed by the board.<sup>8</sup>

Ogden and Provo followed the pattern established by Great Salt Lake City, and while Logan did not establish schools until a later date and at first used the county examination board, the Salt Lake City ordinance was copied verbatim and a city examination board was created<sup>9</sup>

From time to time the several cities, acting through their officials, made appointments to the examination committee. For example, the Salt Lake City record states under date of November 10, 1854, that "The subject of appointing a Board of Examination was introduced. It was motioned, seconded, and carried that O. Hyde, A. Carrington and W. W. Phelps be appointed said Board of Examination."<sup>10</sup> On March 12, 1860, three men "on nomination of the Mayor [were] . . . appointed a Board of Inspectors of School Teachers."<sup>11</sup>

The statute governing the teacher examination boards in the several counties remained almost unchanged for years, although it

<sup>7</sup>*Laws and Ordinances of the State of Deseret*, 1851, compilation, secs. 10-11.

<sup>8</sup>*Salt Lake City Charter*, sec. 8, of "An Ordinance in Relation to Common Schools in Great Salt Lake City." Passed May 4, 1855.

<sup>9</sup>*Revised Ordinances of Logan City*, 1877, ch. 21, sec. 7.

<sup>10</sup>*Journal of the City Council of Great Salt Lake City*, November 10, 1854, p. 122.

<sup>11</sup>*Ibid.*, March 12, 1860, p. 143.

was repeatedly rewritten by the Legislative Assembly and it undoubtedly served as a guide for the cities. In certain instances the city ordinance was less detailed, but evidently functioned in the same manner. For example, on October 13, 1855, the Ogden city officials had recorded into their record the following: "It was moved & Sec. & Carried that Lorin Farr, Lyman A. Shirtliff & Abraham Palmer be a Board of Examination to Give Certificates to qualified school teachers in Ogden City of their qualifications. . . ."<sup>12</sup>

The appointment of examining committees did not assure a high quality of teachers. Some of the problems confronting the school committee are well described by one of the university regents' reports, dated December 11, 1852:

The committee appointed by the County Court for the examination of school teachers, have, in this county, given certificates to be of force but for one year. There were several reasons for this course; and lest there arise ill feelings, we will notice the most prominent. As yet, the persons presenting themselves for examination, have fallen far below the standard of the qualifications that the committee would be pleased to see established. Under the circumstances, when the moral character was good, and information sufficient by a low scale, certificates have been given; for not to have given them, would have shut up our school houses; they have been given for one year, upon the presumption that the teachers could and should improve, and at the end of the year, should again pass a more extended examination. Aside from the consideration for the improvement of the present applicants, next year's emigration may furnish us an improved supply; and our committee have informed those to whom they have given certificates, that they must expect in the future to pass a more rigid and extended examination.<sup>13</sup>

*Teacher examination statutes became more effective.*—It is evident that the examiners either by choice or force of circumstances employed teachers who were not adequately trained or were otherwise below the desired quality. Governor Young recognized this as being a serious problem and in his message to the Legislative Assembly in 1854 said, "I fear that sufficient attention is not paid to the selection and examination of teachers."<sup>14</sup> At times the examination was undoubtedly superfluous and sometimes it was not even given before the trustees employed teachers. In certain instances members of the examining board acted alone and not as a board. In 1854 the following appeared in the News "APPLICANTS to teach common schools in G.S.L. City, who have vouches for character, can apply to either of the undersigned, for

<sup>12</sup>Minute Record, Ogden City, Book A., p. 42.

<sup>13</sup>Deseret News, Vol. III, December 11, 1852.

<sup>14</sup>Brigham Young, Message to the Legislative Assembly, 1854.



examination as to competency and receive certificates, &c. [Signed] Board of Examination, O. Hyde, W. W. Phelps, A. Carrington."<sup>15</sup>

After this procedure of examining and certifying teachers was tried for nearly a quarter of a century, it was apparent that the statute was inadequate, and in 1876 it was amended so that the examining board retained the duty of examining teacher candidates as in the original law, but added that "no person shall be eligible to employment, as teacher, by the trustees," unless first having received from the examining board "a suitable certificate."<sup>16</sup>

The Legislative Assembly in 1880 again added considerable detail to the statute controlling teacher examinations. By mandate the superintendent of the county was made one of the examining board and a significant penalty in terms of loss of school revenue was placed upon trustees who failed to abide by the terms of the law. The section controlling this item states:

The County Court of each county shall appoint, in their respective counties, where not already done, a board of examination, to consist of the County Superintendent and two other competent persons, who shall judge of the qualifications of school teachers applying for schools; and all applicants of a good moral character, considered competent, shall receive a suitable certificate, signed by the board, without which no person shall be eligible to employment as teacher, by the Trustees, and such districts employing other than eligible teachers, shall forfeit their apportionment of any public school fund. A normal certificate of graduation from the University of Deseret shall entitle the holder to eligibility as a teacher in any of the district schools of the Territory; Provided, That such certificate shall be endorsed by the board as to the moral character of the holder.<sup>17</sup>

In 1884 this law was amended so that it stated specifically that the certificate given by the examining board "shall be valid for only one year from its date. . . ."<sup>18</sup>

After the establishment of the normal school at the university there was a gradual transition of selecting local teachers without any normal training to the practice of appointing those who had had the advantages of special training. At no time, however, during the earlier years were there enough teachers to staff adequately the schools of the territory. After the normal training program was in operation the examining board continued to function by nominating pupils to the territorial commissioner of schools who made

<sup>15</sup>*Deseret News*, Vol. V, November 23, 1854.

<sup>16</sup>*Laws of the Territory of Utah*, 1876, sec. 11 of "An Act Providing for the Establishment and Support of District Schools, and for Other Purposes."

<sup>17</sup>*Laws of the Territory of Utah*, 1880, ch. 19, sec. 11.

<sup>18</sup>*Laws of the Territory of Utah*, 1884, ch. 30, sec. 4.

the appointments to the university from the names submitted by the several examining boards.<sup>19</sup>

In 1890 the school law was amended and enlarged. The statute controlling the examination of teachers for certification purposes required the superintendent of schools to serve as chairman of the examining board, which was composed of himself and two persons appointed by the county court. The county board of examiners was required to hold teachers' examinations during each year at such time as the county superintendent serving as chairman of the board should specify. His knowledge of the teacher and of her teaching experience were important factors in issuing the certificate. In part, the law states:

If from the percentage of correct answers required by the rules, and other evidence disclosed by the examination, including particularly the superintendent's knowledge and information of the candidate's experience as a teacher, the applicant is found to be a person of good moral character, and to possess such knowledge and understanding, together with aptness to teach and govern as will enable the applicant to teach in district schools of the Territory the various branches required by law, said board of examiners shall grant to such applicant a certificate of qualification.<sup>20</sup>

The board of examiners was permitted to give special recommendation to the commissioner of schools of the territory, who in turn would issue a certificate of "the first grade" for a term of five years. Second grade certificates were issued for two years, and third grade for one year. "The ratio of correct answers to questions asked of each applicant and other evidence of qualification appearing from the examination" were to be considered in determining the grade of certificate that was issued. All holders of each type of certificate were required:

. . . . to be found proficient in and qualified to teach the following branches of a common English education, viz: Reading, writing, spelling, English grammar, geography, United States history, arithmetic, physiology and hygiene; and for a first grade certificate a candidate must pass in addition to the foregoing a satisfactory examination in civil government, physical geography, elements of natural philosophy, elementary algebra, and bookkeeping. The percentage required to pass any branch shall be prescribed by the board of examiners.<sup>21</sup>

The county board of examiners was authorized to revoke any certificate for "evident unfitness for teaching" or for immoral or unprofessional conduct. The county superintendent was permitted to issue authorization rights until the next regular meeting of the

<sup>19</sup>*Laws of the Territory of Utah*, 1888, ch. 22, sec. 1.

<sup>20</sup>*Laws of the Territory of Utah*, 1890, ch. 72, sec. 22.

<sup>21</sup>*Ibid.*, sec. 23.

board. For all practical purposes this law remained unchanged in 1892, except for the addition: "Certificates may be issued for one year by the Board of Examiners to teachers of special branches."<sup>22</sup> Herein was initiated the custom of issuing certificates for teaching special subject matter areas, a custom that has remained for more than half a century.

In 1890 the cities of the first and second class in Utah became consolidated school districts. A board of education was given the governing power of the city school district. That portion of the law controlling teacher examinations required the city board of education to appoint from the membership of the board of education "or otherwise two competent persons" who, with the superintendent serving as chairman, compose the board of examination. They functioned as did the county boards and had the additional right of accepting certificates issued by the county board of examination.<sup>23</sup>

*Progress in certification following statehood.*—Significant advancement was made in two areas preceding the turn of the century in selecting teachers for teaching situations. The first of these was the establishing of the normal school, following the reorganization of the University of Deseret in 1869, which afforded a method of giving professional and other training to teacher candidates. The second advancement was the specific right of the state board of education to issue certificates when Utah became a state in 1896. The chief territorial school officer, serving as executive of all public schools, provided limited centralized control of teacher certification, but much advancement was made following the enactment of the law creating a board of education that had general administrative direction of all public education within the state and which also had authority "to issue State diplomas."<sup>24</sup>

Evidently the initial state legislature did not think it wise to limit teacher certification to those issued by the state board of education. To have done so would have greatly curtailed the number of available teachers. In 1896, therefore, the law continued to require county boards of examiners to hold examinations and to issue two grades of certificates—"grammar and primary, valid for one year." These could be renewed annually without examination "under such regulations as the board may provide."<sup>25</sup>

<sup>22</sup>*Laws of the Territory of Utah*, 1892, ch. 80, sec. 23.

<sup>23</sup>*Laws of the Territory of Utah*, 1890, ch. 72, sec. 113.

<sup>24</sup>*Laws of Utah*, 1896, ch. 130, sec. 2.

<sup>25</sup>*Ibid.*, sec. 24.

This statute provided that the examining body be composed of the superintendent and two "associate examiners," who were to be appointed by the board of county commissioners.<sup>26</sup> The law was amended the following year as indicated below:

The county superintendent, together with two other persons practically experienced as teachers, shall constitute the county board of examiners. The county superintendent shall be the chairman of the board. The associate examiners shall be residents of the county in which they are to serve, and shall be appointed by the county superintendent for a term of one year. The county superintendent shall have power to remove them, or either of them, for misconduct and incapacity, and to fill any vacancies occurring in the office of either of the said two appointees.<sup>27</sup>

*Uniformity and state-control of teaching certificates.*—The weakness of issuing teacher certificates by county examining boards became apparent as the practice increased. Wide variation existed in methods of administering as well as in content of the examinations among the boards of the territory. When the state board of education was authorized to issue state certificates, this was the beginning of the process of centralizing this important function of educational administration. Shortly after 1900 new legislation was enacted which in part corrected some of the existing flaws of the teacher examination process. In 1901 the law-making body passed an act requiring the state board to prepare lists of questions for use in examining teacher applicants. Moreover, this governing board was required to prescribe such "rules and regulations as shall tend to secure uniform examinations in the different counties."<sup>28</sup> The county board was still required to hold teacher examinations during each year, but at such times and under such rules as the state board might direct. The issuing of the certificate continued to remain the right and duty of the examining board and was based upon the percentage of correct answers and "the superintendent's knowledge and information of the candidate's experience and ability as a teacher."<sup>29</sup>

The effect of the law in curtailing the number of untrained teachers and in raising the standards for the state as a whole, may be noted in the state superintendent's report following the enactment of the 1901 law:

The last Legislature passed a law providing for uniform county examinations for teachers, to be held under the direction of the Board of Education. Since this law became operative the number of failures in the examinations

<sup>26</sup>*Ibid.*, sec. 32.

<sup>27</sup>*Laws of Utah*, 1897, ch. 3, sec. 13.

<sup>28</sup>*Laws of Utah*, 1901, ch. 94, sec. 1.

<sup>29</sup>*Ibid.*, ch. 95, sec. 1795 of 1898 amended.



has greatly increased and in many places, in the remote counties of the State, it has been difficult for school boards to secure certificated teachers.

While Uniform examinations have prevented many young aspirants from securing license to teach, they have done much and will do more to raise the standard of efficiency of our teachers. The time is approaching when school boards will not engage teachers who have not had special training for their work as given in any reputable normal school.<sup>30</sup>

In 1905 an act was passed by the legislature which further curtailed the inadequate procedure of local examinations for certification purposes. The state board was given the mandate of preparing the questions and grading the papers. The county superintendent administered the examination but under rigid rules prescribed by the state board.<sup>31</sup>

In 1913 the legislature amended the law controlling teacher examinations and thereby added strength to the trend of complete control of teacher examinations by the state board of education.<sup>32</sup> The trend was definitely in the direction of removing all teacher examinations from local county examining boards. Improved practice came with consolidation—beginning in the cities in 1890, and culminating in the counties in 1915.

The shortage of teachers during the latter part of World War I and in the immediate years following, tended to retard teacher training in normal schools, and therewith increased the number of non-trained teachers and the number who were teaching on certificates issued as a result of examinations prepared by, and administered under, the direction of the state board of education. These factors brought about conditions that prevented certificates from being issued by any agency except the state board of education and the state normal school approved by the state board.

#### STATE CERTIFICATION OF TEACHERS

*The first state boards of education and certification.*—The constitution of Utah gave general administrative power of the public school system to the state board of education, and placed the responsibility on the legislature of enacting the statutes that would provide a legal basis for the management of the schools. More than in any other phase of school administration, the first legislature focused its attention on the state board as the agency to issue teaching certificates. The newly created board was authorized to issue state diplomas of two types: high school and grammar, and

<sup>30</sup>A. C. Nelson, *Fourth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1902*, p. 20.

<sup>31</sup>*Laws of Utah*, 1905, ch. 71, sec. 1.

<sup>32</sup>*Laws of Utah*, 1913, ch. 96, sec. 1 amending 1891X23.

grammar grade only. State diplomas and certificates were to be issued only to "professional teachers who have reached the age of twenty years, have had two years successful experience in this State, and exhibit satisfactory evidence of good moral character, and upon critical examination are found to possess the requisite scholarship and culture."<sup>33</sup> This was a distinct forward step, for the law was specific in stating that those diplomas and certificates granted by the state were valid in any county or city in Utah. Additional impetus was given to the normal training offered by the university. The law stated that "normal certificates and normal diplomas, issued by the University of Utah shall have the force of State certificates."<sup>34</sup> Life diplomas awarded by other states maintaining "equal rank" with those of Utah were recognized after "holders acquire two years of successful experience in schools of this State."<sup>35</sup>

*Trends toward training as substitute for examination.*—As indicated previously, once the state board of education was organized and began directing the schools under its supervision, the problem of certifying teachers and increasing their training in preparation for certification was one of the major concerns of this governing body. An examination of the minutes covering the first years clearly indicates that the board recognized this as its chief duty. Certification resulting from training in the normal school soon became distinctly preferable to the county examination and the certificate issued through that means. By 1910 all teachers were required to have four years of high-school work. Those who were issued county primary certificates in addition to this high-school training were required under the supervision of the state board of education to pass successfully an examination in reading, writing, arithmetic, physiology and hygiene, sanitation, nature study, drawing, and in addition the following professional subjects: "pedagogy, psychology, and history of education." These primary certificates were valid in the first four grades in any of the counties (not in cities of the first and second class). The county certificate of grammar grade was given according to the statute controlling certification in the elementary schools and entitled the holder to teach in any elementary school in the state, exclusive of cities of the first and second class.

Over an extended period of time the state board of education made a distinction between the normal certificate and the state

<sup>33</sup>*Laws of Utah*, 1896, ch. 130, sec. 1-5.

<sup>34</sup>*Ibid.*, sec. 5.

<sup>35</sup>*Ibid.*

certificate. The former was awarded to graduates of normal schools and was valid in any elementary school in the state, and the latter was issued to an applicant upon the presentation of evidence that she had had at least two years of successful teaching experience, four years of high-school work (including certain subject-matter areas), and twenty hours or more of college study, including pedagogy, psychology, and history of education.

The grammar grade diploma was issued to an applicant who had had four years of high-school education and two years of college or normal training beyond the high school, including certain academic subjects and other subjects in the field of pedagogy and psychology. This diploma was awarded to one after two years of teaching experience, and was valid for life in any elementary school in the state, providing the holder did not permit five consecutive years to pass without being in the teaching profession.

The high school diploma, which historically has been regarded as the most coveted authorization to teach, was awarded to an applicant who had had four years of high school and four years of college education with a Bachelor's Degree (including certain academic and professional subjects). This diploma was not awarded until the individual had taught school successfully for at least two years. It was valid for life in any elementary or high school in Utah, providing the possessor did not permit five consecutive years to "elapse without following some educational pursuit."<sup>78</sup>

Over an extended period of time the state board of education accepted credits, certificates, and diplomas issued by other states "where the standard is equal to that of Utah, as agreed upon by the Conference of Interstate Certification and indicated by the National Bureau of Education."<sup>79</sup> In 1912 the state superintendent published the names of the people and the grade of diploma of certificate issued by the state board of education between January 1, 1896, and that date. This list (in small type) covers forty pages, indicating that although Utah schools were still small and high school education was merely nominal, there was nevertheless a distinct trend toward state certification.

*Recent developments in teacher certification.*—The state board has raised the standard for teacher certification on all levels as it has gradually assumed the control of issuing certificates. As the state has enlarged its contribution to school costs, the legislature

<sup>78</sup>A. C. Nelson, *Eighth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1910*, pp. 447-50.

<sup>79</sup>*Ibid.*, p. 451.



has insisted that standards for certification be raised. Temporary deviation has been made from this gradual trend during both world wars. This has been necessary because the number of certified teachers has been inadequate to meet the school needs. In both instances, however, the state board has done its utmost to hold high the standards for teacher situations. The tendency to leave the teaching profession for other employment during World War I may be noted in part by the number of emergency certificates issued in order to obtain enough teachers. In 1916 there were 360 such certificates in the state, and in 1919, 1,061 of these emergency certificates were granted to Utah's teachers.<sup>38</sup>

The extent of teacher certification and the shortage of teachers in the state during the second war may be noted by the following statement from the certification department:

During the first year of the biennium, 1940-41, the State Teacher Certification Division issued 1960 teaching certificates. During the second year 2,410 individuals qualified for certification. During the Biennium certificates were mailed to residents of twenty-four other states. In 1940-41 eighty-one applicants from out of the state qualified for Utah certification. In 1941-42 the number increased to 148, a difference of sixty-seven over the preceding year. In spite of the fact that 450 more certificates were issued in the second year of the biennium, we face one of the most acute teacher shortages in the history of the State of Utah. Men and women are leaving the profession to enter service with the armed forces for combat, nurse and auxiliary duty. Scores of other teachers are turning to the more lucrative positions offered in the war industries.

Every effort is being made to uphold the certification requirements which have recently been revised and raised to a higher level. . . .<sup>39</sup>

The increasing shortage of properly certified teachers during the advancement of World War II is shown by the fact that 265 fewer certificates were issued by the certification department in 1943-44 than in 1942-43. The greatest difference was in the elementary schools, where there were 155 less in the latter year. Eighty-one fewer high school certificates were issued in 1943-44 than in 1942-43, sixty-two fewer administrative certificates, fourteen fewer home economics, and eleven vocational agriculture.<sup>40</sup>

*Current practice in teacher certification.*—No teacher, supervisor, or superintendent may be employed to work in an educational capacity of public school work and receive compensation unless

<sup>38</sup>L. J. Muir, *Thirteenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1920*, p. 27.

<sup>39</sup>Charles H. Skidmore, *Twenty-Fourth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1942*, pp. 75-6.

<sup>40</sup>Charles H. Skidmore, *Twenty-Fifth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1944*, p. 89.



he or she is "the holder of a certificate issued in accordance with the regulations of the State Board of Education."<sup>41</sup> The state board has operated on a long-time planning program and throughout the years of its existence has raised the standards to their present status. The present requirements were announced sufficiently in advance to permit teachers to prepare themselves to meet the higher demands for certification. Present regulations became effective September 1, 1942<sup>42</sup> The teachers are certified in three major categories: general secondary, general elementary, and special subject certificates. First and second class certificates are awarded in each of the above classifications. First class certificates are valid for five years and renewable for five-year periods upon the completion of seven and one-half quarter hours of acceptable upper division college work. Second class certificates are awarded in each of the three categories and are valid for two years. Likewise, these are renewable on the completion of seven and one-half hours of credit of upper division college work. The second class certificates are issued to those individuals who have training below the standard established and effective September 1, 1942, and pertains particularly to those teachers or teacher candidates required to hold certificates who have not obtained a Bachelor's Degree or the equivalent thereof. General secondary certificates are valid in four-year high schools, and in junior and senior high schools, and general elementary certificates are valid in all elementary grades. In addition to four years of college training, upon first receiving the certificate the candidate is required to present specified training, including major areas of study. Music, art, and the commercial subjects may be taught by those who hold special subject certificates. Requirements for renewal are comparable to those for the general certificate. In addition to the general and special subject certificates listed, librarians, coordinators, industrial arts teachers, and teachers of vocational agriculture, vocational trade, and industrial education, as well as those teaching home economics, are awarded certificates requiring special study.

Those working in administrative and supervisory positions are required to hold appropriate certificates in their field. All public school superintendents, and all principals of schools with three or more teachers, must hold administrative certificates. Likewise, supervisors in both secondary schools and elementary schools

<sup>41</sup>*School Laws of the State of Utah, 1945, 75-7-16.*

<sup>42</sup>"Utah State Board of Education Requirements for Certification of Superintendents, Supervisors, Teachers, School Librarians, and Coordinators." (Pamphlet issued by Department of Public Instruction of the State of Utah.)

should hold certificates appropriate to the school level they serve. Administrative and supervisory certification is given upon the basis of experience and training.

In order to stimulate professional growth, the state board of education has discontinued the former practice of issuing life diplomas, but recognizes those that have been awarded preceding the date of the present policy—providing the holder of such a diploma does not permit five consecutive years to elapse without serving as regular teacher or supervisor. The state board at its own choice may revoke or refuse to issue any certificate for just cause. During 1945, state appointed representative groups were at work preparatory to making further modification in all divisions of certification.

### TEACHER SALARIES

*Early methods of pay for teacher services.*—The law of 1852, which created the small school district and provided for the trustees to administer the schools, gave to these school officials the legal right to assess and collect a small tax for the purpose of erecting school buildings and maintaining the same. However, this initial statute made no provision for tax revenue for the payment of teacher salaries. From that beginning the absence of school revenue for teaching services has presented a serious problem. It was the custom for the parent to pay the teacher for each individual child who attended school. This commonly accepted procedure may be noted in an item appearing in the *Deseret News* in 1853 which stated:

When a school house is built and kept in repair by a common tax, bearing an equal ratio to the amount of property that each citizen of the ward or district possesses in said ward, the way is effectively opened and prepared for a school, to go into operation; this done, those who send to school are expected to pay the Teacher themselves, as no others can be required to pay the expense.<sup>43</sup>

The absence of any plan of adequate pay for teaching services cut deeply into the educational opportunities of the children and caused a high turnover of teachers. This naturally brought to the classroom instructors who were unqualified to teach. In 1860 another editorial appeared in the *Deseret News* describing the teacher turnover. It was written at the close of one term of school; and anticipating a new one, the writer said:

Judging from the past there are reasons for believing that a majority of them [the teachers who had completed the teaching term] will betake them-

<sup>43</sup>*Deseret News*, Vol. III, March 19, 1853.

selves to other employments more lucrative, or more in consonance with their natural inclinations than the occupation of a pedagogue. . . .<sup>44</sup>

Money was extremely scarce in early Utah and as a substitute, teachers were paid in some kind of farm produce or other usable goods. Different issues of the early *Deseret News* contain many advertisements of individuals who sponsored private-venture schools. Customarily the instructor indicated a preference for cash, but stated that he would accept produce of a variety. Such a notice was made by one teacher in 1857. This individual said he would accept "cash, store pay or produce."<sup>45</sup> Orson Pratt, known as one of the great teachers of early Utah, announced his school and said that payments might be made in "wheat, flour, potatoes, butter, all kinds of provisions, groceries, wood, hay and cash."<sup>46</sup>

Some of the diaries that have been preserved show something of the limited amount and kind of pay received by teachers in various parts of the state. Among these is the biography of Martha Cox, a well-known teacher of early days in southern Utah. Describing her school experiences she said her "salary was twenty dollars per month taken in produce of the country."<sup>47</sup> Within the covers of her very interesting diary she gives a description of the schools of St. George in the 1870 decade. In part she says:

In the fall of 1872 I was employed again [as teacher] in the fourth ward. It was hard to secure teachers in St. George, the pay was too poor—generally the produce of the country, and had to be collected by the teacher. Had it not been that I took children from our house and thus saved their tuition and gave them a chance to learn I don't believe I would have borne the trial of school. Yet I know the idle boy obliged to be out of school held my sympathy. I felt obliged to stay with it because there were so few that would.<sup>48</sup>

A series of letters written between Henry Shultz, who was employed to go to St. George in 1874 and teach a normal school, and the trustees of the school indicate something of the financial problems common to teachers of the time, hence extended quotations from correspondence are included. A letter from Erastus Snow to the "Trustees of St. George Normal School" dated April 30, 1874, contains a statement in which he declares that he had given an "open order on the Bishop to keep them [Shultz and family] and let us pay the St. George T. O. [tithing office] which you can do

<sup>44</sup>*Deseret News*, Vol. IX, February 22, 1860.

<sup>45</sup>*Deseret News*, Vol. VII, March 11, 1857.

<sup>46</sup>*Deseret News*, Vol. VIII, December 22, 1858.

<sup>47</sup>Martha Cox, *Biographical Record*. On file at State Historical Society, Salt Lake City, Utah.

<sup>48</sup>*Ibid.*

through tuition."<sup>49</sup> Mr. Shultz evidently had some difficulty in living on the amount of money and produce he received for his teaching services and frequently wrote letters to the school officials making varied requests for additional assistance. On August 12, 1874, he said, "Have you a few dol. in Tithing for me, if so, please send it. . . ."<sup>50</sup>

On September 10 of the same year he said:

I shall feel myself very obliged if you will have the kindness to send me through bearer a Ten and a Eight Dol. factory Order, as I owe one on acct. to the Relief Society, for a Carpet bought by my wife; and other to Br. Brain on a note he has recd. for collection from city for which he kindly accepts that pay. . . .<sup>51</sup>

Written in the margin of the letter were the words, "In haste."

On October 9, after having discussed with the school officials the problem of providing shoes for his family, Shultz wrote:

You need not see Br. Hardy, about me as I think and know that I have seen him enough and more too and for the present it is too late any how as I had to get some for children at the store on credit (or to let them go barefooted,) which I do not intend as yet in fact I hope I need not do.

As for my wife I have to get some also, as she could not go out any more from to day; and the girl is already barefooted.<sup>52</sup>

Again Shultz wrote the officials:

Not having received an answer of any, of my Scholars, concerning Wood I Respectfully assert, as you already know, that I am in need of some; also am I, in immediate need, of Shoes for the following: (My wife, 2 children, and the girl).<sup>53</sup>

By October 20, 1874, Mr. Shultz had so many more needs than he was able to finance that he threatened to resign unless assistance was given him. On that day he wrote Mr. A. M. Jackson, "President of Trustees, of the St. George Normal School" as follows:

Dear Brother,

It is, for me, (engaged in a work as I am) an utter impossibility, to be satisfied without the comforts of life, especially Real Wants. I therefore give you Notice that without I receive at least One Dol. a day or Thirty Dols. per month in Money, I discontinue, teaching, at the St. George Normal School (St. George Hall) at the End of this present term; which will be on Friday, November the 20th, 1874.<sup>54</sup>

On October 21, 1874, a letter was written to Mr. Shultz and

<sup>49</sup>Erastus Snow, Letter to the Trustees of St. George Normal School. On file at State Historical Society, Salt Lake City, Utah.

<sup>50</sup>Letters written by officials of St. George Normal School and Henry Shultz. On file at State Historical Society, Salt Lake City, Utah.

<sup>51</sup>*Ibid.*

<sup>52</sup>*Ibid.*

<sup>53</sup>*Ibid.*

<sup>54</sup>*Ibid.*



signed by E. Snow, Richard Bentley, Alden A. M. Jackson, and John M. Macfarlane, as trustees of the St. George Normal School. A portion of the letter follows:

Henry Schultz,  
Principal of St. George Normal School  
Dear Bro.

. . . . There is very little money in this country, and we are under the necessity of living on the products of the country, and doing without articles of foreign importation which require cash to purchase them, only in small quantities; and this is more especially so the present year than formerly.

Touching the amount of cash which we can furnish you in the future, we cannot definitely promise you the \$30.00 per month which you require, but we are willing you should have all the cash or store pay which can be collected on tuition. . . . We may be able to furnish you from \$12.00 to \$15.00 per month in cash if we can get it from the Treasury; and after next May we may be able to increase this allowance a little. . . .

Hoping that yourself and family will feel the necessity of profiting by the hard lessons of rigid economy which circumstances force upon us all in this country.<sup>65</sup>

On November 30, 1874, Mr. Shultz wrote to the trustees and proposed that he receive only tuition from pupils, or that the trustees pay him \$100 per month for the oncoming year as follows:<sup>66</sup>

Ten dol. Currency	\$10.00
Ten dol. Store Checks	10.00
Twenty-five Dol. Factory Orders	25.00
100 lbs. of flour	6.00
1 cord wood	10.00
and balance in Tithing orders, or	39.00
	<hr/> \$100.00

The trustees notified Mr. Shultz that they would accept his offer that he should receive all his pay through the tuition he collected. To this letter Shultz later wrote the school officials telling them he had met the pupils who wanted to continue school, and that after he told them the terms of tuition, he could "not even get enough Scholars to pay for the necessary fuel of Said School."<sup>67</sup>

*Efforts to establish cash payment for teaching services.*— Following the enactment of the 1860 law in which the county superintendent of schools' office came into existence, there arose an increased demand for a tax that would partially pay teacher salaries. In 1861, speaking to the city council of Provo, Mayor E. Hanks said:

<sup>65</sup>/bid.  
<sup>66</sup>/bid.  
<sup>67</sup>/bid.

In regard to common schools in this city, it is to every man's interest to see to this. I will be in favor of levying a small cash tax to encourage the teachers to do justice to the school and scholars, as the teachers need some things that they cannot get without cash.<sup>68</sup>

In writing his report to the Legislative Assembly following the close of the year 1862, Territorial Superintendent Robert L. Campbell, recognizing the dire need for teachers to have some compensation in money, said:

Could I say anything in this report which would induce the members of the Assembly and other influential citizens, to use their influence among the people to pay school teachers liberally; also with sufficient of that kind of pay which would enable them to procure ample clothing for themselves and families, I realize the educational cause would be much benefited thereby.<sup>69</sup>

In 1866, Campbell manifested his attitude of understanding and sympathy toward the economic needs of the teachers, and after describing the meager income they received from the tuition paid, allied his opinion with County Superintendent Miller of Sevier County and suggested the advisability of appropriating to the teacher a city lot fenced, and with "a respectable house built thereon in every settlement, also ten acres of good land in the field, set apart for the use of a school teacher."<sup>70</sup>

Almost without exception in his reports to the legislature, Superintendent Campbell urged that body to do something that would make it possible to pay teachers a livable wage. In his report written in January, 1872, he reiterated his former declaration and added that the teacher who was paid the least money was usually the most expensive, because under such instruction, children do not learn. To the Legislative Assembly in the 1872 report he was emphatic in this statement:

Experience in Utah has demonstrated that the cheapest teachers have been those that were professional, and whose abilities have commanded the highest salary, and vice versa. How long, then, shall it be ere we can accord cheerfully to teachers the salaries allowed to clerks, and other artizans, whose preparation does not involve the time and expense attendant upon that of the teacher.<sup>71</sup>

Throughout the first quarter of a century following the organization of the school district in Utah, teacher salaries continued to remain extremely low. In 1874 some financial assistance was received from the territory. This brought slight relief to teachers, but by 1877-78, there was only a total of \$91,534 per year paid to

<sup>68</sup>Record of Proceedings of Provo City Council, February 28, 1861.

<sup>69</sup>Robert L. Campbell, *Territorial School Report*, 1862.

<sup>70</sup>Robert L. Campbell, *Territorial School Report*, 1865-66.

<sup>71</sup>Robert L. Campbell, *Territorial School Report*, 1871.

teachers. In 1878 the average teacher salary in Utah was just slightly more than \$172 per year.<sup>62</sup> In 1883 Territorial Superintendent L. John Nuttall said the average monthly salary "for male teachers is \$46.80," and "for females \$28.31."<sup>63</sup>

Following his inauguration as state superintendent of public instruction in 1896, Dr. John R. Park at once began a campaign for higher salaries for teachers. He referred to their income as an "almost disgraceful meagerness." He declared:

The average monthly salary paid to teachers in the public schools, outside of cities of the first and second class, is \$44.78; and the average number of months the teacher is employed during the year is less than six; that is, the average yearly income is about \$224. These figures speak for themselves. It must be evident that such a pittance is not enough to induce men and women of superior ability to remain in the profession of teaching.<sup>64</sup>

In his second report Dr. Park again criticized the methods used in paying the school costs, and was emphatic in his denunciation of the low income of teachers. Part of his criticism and admonition follows:

The first requisite for securing a good teacher is a reasonable salary. It is well enough to impress upon well paid teachers the worthiness, the dignity, the nobility, of the teacher's work; but it is worse than useless to emphasize these things when teachers are poorly paid. It is useless to argue that the teacher should be above sordid motives; the laborer is worthy of his hire, here as elsewhere; and the teacher's compensation should be the better the more important is his work. Besides, parsimony in paying teachers shows more sordidness on the part of their employers than does the teachers' demand for adequate salaries; especially where the school funds are misappropriated or squandered, which is often the case. Trustees plead lack of funds as an excuse for employing poor teachers at low salaries; but in most cases, their reports show that they exercise but little economy in other things, expending funds, often illegally for the purpose of purchasing worthless material or to increase their own compensation, that should be employed in securing the best teachers available.<sup>65</sup>

The task of raising teacher salaries to a level comparable to those paid for other services requiring similar preparation (in both money and time) has been a difficult one in Utah. Many school leaders have urged higher salaries, and many have reported that they were being raised rather rapidly; but a backward look over educational history indicates that while in general the trend has been upward—except during the times of depression—it has required many years to establish even modicum teacher incomes.

<sup>62</sup>John Taylor, *Territorial School Report*, 1878-79.

<sup>63</sup>L. John Nuttall, *Territorial School Report*, 1883.

<sup>64</sup>John R. Park, *First Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1896*, p. 31.

<sup>65</sup>John R. Park, *Second Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1898*, p. 27.

More than forty years ago State Superintendent A. C. Nelson wrote the following statement in one of his school reports. Its vivid description of the ill effects on the schools of inadequate pay for teaching services is as true today, after the passing of four decades, as when it was written; and at no time has education suffered more from a failure to pay attractive salaries and retain capable instructors than during the war years following 1941, and the period of readjustment immediately following.

It is unfortunate that for so long a time greater inducements in the way of monetary remuneration have not been held out to the teacher. Some of the best men and women in the State have remained in the teaching profession, it is true, yet hundreds who have begun teaching school with the view of making such their life's work, have finally felt themselves compelled to enter some other profession which would yield them an income embracing more than the mere necessities of life. Although at the present time teachers' salaries are better in Utah than ever before, even now too large a percentage of our best teachers leave the profession every year. And were it not for the fact that each year brings new and vigorous life into the teaching force of the State, the withdrawal from the profession of so many capable and experienced teachers would cause a weakening of our school system which would inevitably jeopardize our educational movement.<sup>66</sup>

Reports made by the county and city superintendents following the turn of the century indicate small, but consistent salary raises. The state report for 1907-08 contains a number of comments on the trend in salaries at that time. County Superintendent Roy H. Burton, of Beaver County, said: "The salaries of the teachers are gradually increasing. The highest salary paid is \$125 per month, the lowest is \$40. The highest paid two years ago was \$90."<sup>67</sup> County Superintendent A. E. Jensen, of Box Elder County, declared, "Salaries of teachers are steadily advancing."<sup>68</sup> Superintendent G. A. Weggeland said, "A better wage schedule has been adopted in Emery county. As a consequence better teachers are coming here and better results are noted."<sup>69</sup> Complaint was made about the salaries of Garfield County in the following words: "The great stumbling block in the way of our advancement is the low salary of our teachers. The compensation ranges from twenty to one hundred dollars per month, with an average of about fifty dollars."<sup>70</sup> County Superintendent George Sperry said:

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<sup>66</sup>A. C. Nelson, *Fifth Report of the Superintendent of Public Instruction of the State of Utah for the Biennial Period Ending June 30, 1904*, p. 18.

<sup>67</sup>A. C. Nelson, *Seventh Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1908*, p. 299.

<sup>68</sup>*Ibid.*, p. 304.

<sup>69</sup>*Ibid.*, p. 315.

<sup>70</sup>*Ibid.*, p. 319.



The salary of the teachers of Juab county has increased 20 per cent in the last two years. The trustees realize that their principal duty in connection with the public schools is to hire good teachers and they have been getting them by giving a good salary.<sup>71</sup>

Superintendent David A. Smith declared, "Salaries are low in Kane County considering the length of the school year. Some of the smaller districts can pay but \$45.00 per month."<sup>72</sup> The status of San Juan County teacher pay was described thus: "The salaries of teachers range from \$45.00 to \$100.00 a month."<sup>73</sup> In 1912 the Tooele County superintendent stated in his report: "Salaries in this county are as high as those of any other county, except in mining camps. Salaries for grade teachers range from fifty to ninety dollars a month, and high school teachers from eight to twelve hundred a year."<sup>74</sup>

As indicated above, county superintendents reported over several years that salaries in their respective counties were being increased continuously, and from reading almost any one report it would appear that the teacher income would soon be ample. The facts that have accrued with the passing of time, however, do not justify this optimism, for it has never been an actual realization.

*Influence of the fluctuating economy on teacher income.*—The economy of the time has done much to determine the salaries paid to Utah's teachers during its educational history. In times of prosperity, when money is plentiful and the value of the dollar tends to decrease in its purchasing power, teacher incomes have increased. In depressions, when taxes are stingingly paid and the value of the dollar increases, teacher salaries have not followed the upward trend. The following table, covering the period of time from before the nation entered the first world war until after its close, indicates a substantial increase. This increase, using the 1915 base, and covering a four-year period of time, is significant in all educational positions listed.<sup>75</sup>

The few years preceding 1930 were prosperous in the United States. Teacher salaries generally rose substantially throughout the nation. The situation in Utah was not an exception. Although the country was at war in 1917-19, and teacher incomes were rising, the following decade was one in which significant advancement was

<sup>71</sup>*Ibid.*, p. 327.

<sup>72</sup>*Ibid.*, p. 331.

<sup>73</sup>*Ibid.*, p. 349.

<sup>74</sup>A. C. Nelson, *Ninth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1912*, p. 345.

<sup>75</sup>L. J. Muir, *Thirteenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1920*, p. 28.

made. In 1917-18 the average high school salary for men (the men received \$93 more than the women) was \$1116. In 1927-28, a decade later, the average salary for all high school teachers in Utah was \$1650. This represents an increase of more than 47 per cent. The average salary for elementary school teachers in 1917-18 (the men received more than \$100 per year in excess of the women) was \$650, and a decade later it was \$940.90 for all elementary school teachers, or an increase of more than 44 per cent.

TABLE VI

YEARLY SALARIES OF TEACHERS BEFORE AND  
AFTER WORLD WAR I

Teacher Classification	1915- 16	1916- 17	1917- 18	1918- 19	1919- 20
<i>Average for Rural Districts:</i>					
Grade teachers (men)	\$ 609	\$ 599	\$ 650	\$ 718	\$ 875
Grade teachers (women)	530	509	557	621	769
Grade principals (men)	856	817	862	974	1170
Grade principals (women)	750	730	760	834	1045
Junior high sch. teachers (men)	743	759	793	897	1045
Jr. high sch. teachers (women)	739	721	758	824	971
Junior high sch. principals	1028	1104	1148	1302	1271
High school teachers (men)	1056	1066	1116	1237	1368
High school teachers (women)	907	927	928	1035	1178
High school principals	1532	1517	1540	1677	1838
<i>Average for City Districts:</i>					
Grade teachers (men)	834	774	783	985	1264
Grade teachers (women)	765	786	834	861	1108
Grade principals (men)	1723	1762	1757	1883	2101
Grade principals (women)	1627	1644	1531	1694	1846
Junior high sch. teachers (men)	773	894	964	968	1326
Jr. high sch. teachers (women)	797	820	970	1017	1160
Junior high sch. principals	1575	1740	1933	1980	2159
High school teachers (men)	1237	1267	1457	1474	1516
High school teachers (women)	1113	1210	1215	1233	1633
High school principals	3160	2790	3167	3233	3035
<i>Average for the State:</i>					
Grade teachers (men)	632	609	657	757	913
Grade teachers (women)	616	608	652	708	890
Grade principals (men)	973	936	953	1090	1274
Grade principals (women)	1143	1111	1125	1093	1408
Junior high sch. teachers (men)	753	784	853	912	1124
Jr. high sch. teachers (women)	774	769	915	921	1090
Junior high school principals	1149	1214	1369	1399	1406
High school teachers (men)	1100	1111	1184	1285	1400
High school teachers (women)	993	1044	1043	1112	1377
High school principals	1680	1655	1651	1781	1934

The average salary of teachers, principals and supervisors in Utah was \$753.85 in 1917-18. In 1941-42 this figure had nearly doubled, having reached \$1,430.86. As World War II advanced, salaries increased rapidly. By 1945 most districts adopted schedules that assure beginning teachers with certificates \$1,500 per school year.

The influence of a war or depression on the economy may be noted by the variations in the average salaries from 1917-18 to and including 1942-44. The biennium averages ending in the year indicated are as follows:<sup>76</sup>

1918	\$ 735.85	1932	\$1,248.00
1920	1,044.10	1934	1,072.80
1922	1,253.76	1936	1,187.69
1924	1,216.10	1938	1,313.34
1926	1,229.00	1940	1,376.19
1928	1,306.00	1942	1,430.86
1930	1,329.00	1944	1,779.32

#### DIFFERENCES IN SALARY FOR TEACHING SERVICES

*Salary difference due to sex.*—The majority of teachers in Utah have been lady teachers. The ratio of men to lady teachers in the state has been near the top in the nation for many years, and on the secondary level has at times been the highest of the forty-eight states. One of the reasons for this has been the fact that men teachers have been given a distinct advantage in salary. For example, in 1883, on the average men teachers received 65 per cent more than that paid to the women teachers.<sup>77</sup> At times legislative attempts have been made to correct this situation, such as the following act which was passed in 1896:

Be it enacted by the Legislature of the State of Utah: That females employed as teachers in the public schools of this State shall in all cases receive the same compensation as is allowed to male teachers, for like services, when holding the same grade of certificate.<sup>78</sup>

This rather progressive law, enacted by the legislature as Utah entered the Union, evidently was not enforced extensively, since salary differences (according to sex) existed both preceding and following the passing of the act. An examination of the county superintendents' reports after the turn of the century indicates wide margins of difference. In 1907 the average salary for men in Mill-

<sup>76</sup>Charles H. Skidmore, *Twenty-Fifth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1944*, p. 185.

<sup>77</sup>L. John Nuttall, *Territorial School Report, 1882-83*.

<sup>78</sup>*Laws of Utah*, 1896, ch. 9, sec. 1.

ard County was 85 per cent more than that of lady teachers.<sup>79</sup> In 1909-10 the average income of the male teachers in Box Elder County was more than 40 per cent above that paid to the female teachers.<sup>80</sup> In 1916 the average male teacher's salary in elementary schools was \$632, and the average female teacher's salary was \$616. The average high school salary for male and female respectively, at that time was \$1100 and \$993.<sup>81</sup>

Practice of discriminating in salaries, according to sex, has varied considerably among the school districts. The availability of men teachers, and the fluctuating economy have in part determined the higher salaries paid men in comparison to those paid women. There are exceptions to the custom of discrimination due to sex and grade level, however. In 1902 Superintendent A. M. Merrill wrote: "No distinction, as regards salary, is made between males and females, neither is there any distinction as regards the grade taught."<sup>82</sup> Salary differences have tended to exist to the present time, but were noticeably less during the years of the second war than formerly. This is accounted for, in part, by the more common method of using single salary schedules developed during recent years for all school levels, regardless of sex.

In 1939-40 the average salary paid women teachers in Utah was higher for both the elementary and the junior high school teachers than that paid men on these school levels. At that same time, the average salary was nearly \$150 higher for men than for women in the senior high schools.<sup>83</sup> This difference is largely accounted for by the fact that one district (Salt Lake City) had 498 women teachers in the elementary schools who received an average of \$246.92 per year more than the twelve men teachers in the elementary schools; and the 124 women teachers in junior high schools received over \$152 more than the average of the seventy-seven men teachers in junior high schools. All other school districts, with the exception of Daggett, Granite, Iron, Jordan, Tintic, Wayne, and Murray, paid men teachers more than women teachers in the elementary schools, although these differences are insignificant in amount. All districts, except Salt Lake City, paid their junior high school men more money on the average than their women during the school year of

<sup>79</sup>A. C. Nelson, *Seventh Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1908*, pp. 334-35.

<sup>80</sup>A. C. Nelson, *Eighth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1910*, p. 360.

<sup>81</sup>E. G. Gowans, *Eleventh Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1916*, p. 28.

<sup>82</sup>A. C. Nelson, *Fourth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1902*, p. 179.

<sup>83</sup>Charles H. Skidmore, *Twenty-Third Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1940*, p. 181.



1939-40.<sup>84</sup> In 1941-42 five districts in Utah, including Salt Lake City, paid their elementary men teachers a lower average salary than was paid the women teachers. Granite and Salt Lake City paid their junior high school women a higher average salary than the men on the same grade levels.<sup>85</sup>

*Grade level differences.*—It is difficult to determine differences in salary because of the differences in amount of training received in preparation for teaching services. Until recently, requirements for the high-school teachers have been higher than for the elementary school teachers, thus precluding accurate comparisons. Customarily throughout Utah's educational history high-school teachers have received higher salaries than elementary school teachers. In 1916 the average male high-school teacher in Utah received 74 per cent more than that received by the average elementary school teacher.<sup>86</sup>

The attitude of the school administrators toward the professional status of high-school teachers in contrast to elementary teachers may be noted by the custom of paying elementary school teachers by the month and high-school teachers on an annual basis. For example, in 1912, Superintendent Orson Ryan of Jordan School District, said: "The salaries of grade teachers range from \$42.50 to \$87.50 per month, and high-school teachers from \$765 to \$1,300 per year."<sup>87</sup> Likewise, the superintendent of Tooele County accepting this common procedure, said:

Salaries for grade teachers range from fifty to ninety dollars a month, and high school teachers from eight to twelve hundred a year.

In one district, [this was before county consolidation in Tooele] the grade teachers are paid a yearly salary which is much more satisfactory than a monthly salary.<sup>88</sup>

#### ATTEMPTS TO DETERMINE QUALITY OF TEACHING

*Differences due to ratings.*—Rating devices in Utah have varied from hasty judgments made by administrative and supervisory officers acting in a purely subjective capacity, to carefully planned rating scales. For many years the county superintendent's opinion

<sup>84</sup>*Ibid.*

<sup>85</sup>Charles H. Skidmore, *Twenty-Fourth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1942*, p. 187.

<sup>86</sup>Gowans, *op. cit.*

<sup>87</sup>A. C. Nelson, *Ninth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1912*, p. 328.

<sup>88</sup>*Ibid.*, p. 345.

of the quality of the teacher's ability in part determined her success in securing a teaching certificate. At times the legislature has written into the law the mandate of requiring the superintendent's rating of a teacher. In 1907 the law-making body decreed that the superintendent make at least two visits a year to all teachers, and that "he shall . . . indicate his judgment of the teacher's ability to teach and govern . . . which information shall be filed with the State Board of Education . . . and used for or against teachers . . . ."

<sup>7789</sup>

Many of the early school reports contain expression of superintendents that portray an extremely subjective attitude. Superintendent Alonzo Stookey, of Tooele County, wrote in 1904:

We have in our county what I consider an average corps of teachers in point of efficiency; but we have some, while they are good earnest workers, they are not getting results. They had better try something else.<sup>80</sup>

Toward the close of the first decade of this century it became somewhat of a fad among school trustees, school boards, superintendents, and other administrative and supervisory officers to rate teachers. In 1908 the superintendent of Logan schools said, "At the opening of the schools this year the School Board announced that in the future all teachers would be rated from a double standard measure, efficiency and progression. . . ." <sup>81</sup> At the same time, Superintendent A. E. Jensen, of Box Elder County, said, "As far as possible teachers are paid in proportion to their ability to teach." <sup>82</sup>

In the years following the first war, ratings of various kinds—including teacher ratings—were widely advocated. All of the high schools in the state were given ratings that were published. One of the most important contributing factors in the total school rating was the measurement given to the quality of teaching of individual teachers within the school. It was argued that "the results (of the ratings) are gratifying almost to the point of astonishment." Continuing, this enthusiast said, "Contrary to general belief, it is clearly demonstrated that the formal technical, habit-forming product of the schools may be measured with almost scientific accuracy. . . ."

<sup>7790</sup>

<sup>80</sup>Laws of Utah, 1907, ch. 58, sec. 1 amended.

<sup>81</sup>A. C. Nelson, *Fifth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1904*, p. 154.

<sup>82</sup>A. C. Nelson, *Seventh Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1908*, p. 284.

<sup>83</sup>*Ibid.*, p. 304.

<sup>84</sup>E. G. Gowans, *Twelfth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1918*, p. 37.

Regardless of claims made for the accuracy and value ratings for such subjective opinions as "care of teacher's room and the equipment therein" and "attitude of students" and the recommendation that these be used to determine "employment, promotion and tenure of teachers,"<sup>94</sup> such evaluations have not found permanent use. The salary schedules required by the 1945 act of the legislature and devised by the local districts are almost entirely void of any attempt to compensate teachers as a result of differences in merit of teaching. Like some other attempts to improve many of the complexities of educational progress, teacher ratings await more careful analysis and objective study.

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<sup>94</sup>*Ibid.*, p. 40.

## CHAPTER XVII

### COURT INFLUENCE IN SCHOOL ADMINISTRATION

#### THEORY OF COURT INFLUENCE

*Legal source of school administration.*—The administration of public education in Utah as in other states of the nation has developed without a national pattern and free from Federal legislation and direction. The Constitution of the United States made no mention of education, and hence inferentially left the right of control as one of the powers reserved to the people and the states. Through constitutions and statutes the several states have made provision for an organization by which public education may be administered. Frequently some administrative unit within a state is brought into court for an interpretation of the law; hence the courts have done much to determine and influence the administration of schools on both a local and state basis. The courts of Utah have rendered some momentous decisions in which the schools are involved.

In legal theory the control of the schools is an extension of the state.<sup>1</sup> The state exists for the general welfare of the people and education as an organized agency or agencies must be provided for the masses of people if the state is to be perpetuated; thus, education is not considered a personal privilege and right, but a necessity in training all the people for desirable citizenship in a democracy. While schools are administered by locally elected school officials, these officers, chosen by the people, are in reality state officers and responsible to the state as the source of their administrative authority.

The constitution of the state of Utah makes provision for a pattern of general school organization. The details of administering the schools, however, are determined by statute; hence, the legislature is the source of authority for most practices in school administration.

#### THE LEGISLATURE AND ITS EXTENSION OF STATE AUTHORITY TO LOCAL ADMINISTRATIVE UNITS

*A school district—the arm of the state.*—The extension of state authority to a local school unit may well be noted in the case of

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<sup>1</sup>Newton Edwards, *The Courts and the Public Schools*, University of Chicago Press, 1933.



State ex rel. Murdock v. Ryan et al.<sup>2</sup> In this case, action was taken by the local administrative body to consolidate the school district into "what is known as the Wasatch High School District." A citizen and a resident of the school district entered suit, attempting to force a legal decision determining the validity of the organization of the consolidated district. The court declared that a citizen of the district "has no such interest in the validity of the organization of the district as to authorize him to sue in the name of the state to test the validity of the organization of the district." The court further declared, "A school district is created by law, and is an arm of the state, and the state alone may attack the validity of its organization."<sup>3</sup>

The court has refused to substitute court decision for legislative direction, recognizing the legislature as the branch of state government wherein authority exists to operate the schools. This may be noted in the instance in which the legislature made provision for the consolidation of the several school districts within cities of a given class in 1890. The divergence of wealth among the districts impelled one district to file an injunction "to restrain the collection of taxes in the new [district]." Judge Blackburn wrote the court decision and said,

It is conceded that the legislature has authority to abolish these districts, and consolidate them into one, and apportion the property. How that apportionment should be made is a legislative question, and not for the courts; and the legislature having acted upon that question, it is presumed that it did all that was necessary, and the court cannot interfere.<sup>4</sup>

The courts again recognized the power of the legislature in providing for the operation of the schools through local boards of education in the case of Beard v. Board of Education of North Summit School District.<sup>5</sup> Justice Folland, who wrote the decision, asserted,

The powers of the board of education are statutory since the legislature may authorize the governing authorities of school districts as the state's agents to do anything not prohibited by the Constitution. . . . The court is not concerned with the policy, expedience, wisdom, or justice of a legislative enactment conferring powers on boards of education of school districts, and where such authorities act within their powers, in the absence of a clear abuse, the courts will sustain the exercise of such power.<sup>6</sup>

Within this case the court was emphatic and reasserted that

<sup>2</sup>125 Pacific 666.

<sup>3</sup>*Ibid.*

<sup>4</sup>28 Pacific, 982-983.

<sup>5</sup>16 Pacific, 900.

<sup>6</sup>*Ibid.*

providing the board of education had acted within the powers conferred upon it by the statutes and the constitution, "the court will not review the action of such a board to substitute its judgment for that of the board as to matters within its discretion."<sup>7</sup>

*Courts recognize the autonomy of school district administration.*—The state supreme court has given decision in a number of important cases that has well established the right of control as belonging to the local board of education and in no way subject to other local units of government. In 1923 the board of education of Salt Lake City placed the levy at a given figure and notified the appropriate county officials of this action in order that the latter could proceed with the assessment and collection of taxes. County officials disagreed with the school board as to the amount of revenue that might be derived from a given levy, and proposed a different estimate of revenue. The school board entered suit against the county officials, asking for mandatory action. Judge Cherry wrote the decision and clearly made distinction between the function of the two units of government, giving emphasis to the fact that the board of education and not the county government had sole right to determine the school levy as long as the board of education acted within the limits of the law. In part, the decision of the court follows:

The power asserted by the defendants to revise the estimates of the plaintiff and to suggest additional sources of prospective revenue is in effect the power to determine what amount shall be raised by local taxation, and thus to control to that extent the amount of total revenue to be supplied. No law conferring such a supervisory power, or from which it may be implied, has been called to our attention. The existence of such a power is repugnant to the principle of separate and independent control of the public schools in cities by the boards of education as expressed in the Constitution and statutes before referred to. It is no answer to say that defendants have not reduced the estimate of requirements for the ensuing year, and that in the estimation of defendants the required amount will be supplied. That would be yielding substance to form and permitting to be done indirectly what cannot be done directly. The board of education is invested with the exclusive control of and responsibility for the public school system, independent of the county government, and, if the amount required by the board of education to be raised by local taxation is within the maximum limit provided by law, it is the duty of the county taxing officers to levy such per cent on the assessed property of the city as will raise the amount.<sup>8</sup>

A significant decision dealing with fiscal relationships and responsibilities was made by the Utah supreme court in 1917. It so

<sup>7</sup>*Ibid.*

<sup>8</sup>17 Pacific, 1112-1114.

happened that a law enacted in 1903 stated that special taxes of school districts should be assessed and collected as provided by law and that the school district should pay to the county one-half of one per cent on the amount of taxes collected in full for the services of the county in assessing and collecting the taxes. Two more recent laws had been passed by the legislature: one of these in 1905 and another in 1915 which amended and essentially displaced the 1903 law. The last legislation enacted preceding the case referred to required the board of education to prepare a statement estimating the amount necessary for the support and maintenance of the schools for the year, "but without additional compensation for assessing and collecting, and he [the county treasurer] shall pay the same to the treasurer of the board." The court ruled that the last statute enacted affecting the case was the intent of the legislature and thence further stated:

School funds in this state, in one sense, are deemed trust funds, and, under our laws, are required to be strictly devoted for school purposes. It is easy to perceive, therefore, why the Legislature should direct that no part of the taxes for school purposes shall be deducted for expenses of collection. . . .<sup>9</sup>

One of the best-known cases (and one that has become classic throughout the nation) in which a clear separation of school administration from administration by local government is made is the case that was taken to the supreme court in 1918 when an injunction was placed upon the board attempting to restrain it from erecting school buildings until compliance was made with city ordinances. The case was initiated in the district court by the city officials of Salt Lake City. Action was commenced to enjoin the board of education and building contractors "from proceeding further in the construction of a school building until the city ordinance was complied with." It was alleged that the board of education "had disregarded . . . the building code of Salt Lake City . . . and . . . that the specifications for said school building were not in conformity with said building code."<sup>10</sup> Justice Frick emphasized an important and basic principle in school administration as a function of the state when he clearly depicted the separation of the schools from local government in the following language:

Essentially and intrinsically the schools in which are educated and trained the children who are to become the rulers of the commonwealth are matters of state, and not of local jurisdiction. In such matters the state is a unit and the Legislature the source of power. The authority over schools and school

<sup>9</sup>116 Pacific, 977-979.

<sup>10</sup>175 Pacific, 654-659.

affairs is not necessarily a distributive one to be exercised by local instrumentalities, but, on the contrary, it is a central power residing in the Legislature of the state. It is for the law-making power to determine whether the authority shall be exercised by a state board of education or distributed to county, township, or city organizations throughout the state. . . .

We are forced to the conclusion that the Legislature did not intend to cede the control over public schools to the city authorities, but intended to, and did, confer that power upon the boards of education of such cities. . . . Those boards are required to provide adequate school room and school facilities to carry into effect our statute respecting compulsory school attendance. These requirements, in many instances could not be met if the cities should be permitted to enforce the ordinances which are sought to be enforced in this proceeding, and which the district court has enforced. . . .

Under our Constitution and statutes . . . we can conceive of no distinction between what are denominated by counsel state buildings, such as the buildings of the State University, or the Capitol, and our school buildings. . . . The public school buildings and their control are of as much concern to the state as are the other buildings, and a careful reading of the constitutional provisions and statutes relating to education clearly shows that the entire public school system . . . remains entirely within the control of the state Legislature, and hence within the control of the state. . . .

If state buildings must be excluded, [from conformity to the requirements of the city ordinances] then public school buildings must likewise be excluded from those terms. . . .

Therefore, we are forced to the conclusion that it was . . . intended that school boards are not required to obtain permits from the cities as contended for by respondent's counsel.<sup>11</sup>

Justice Miner well described the complete separation of the school districts from other units of government such as the city or county in the case of *Merrill v. Spencer*, county collector. This decision was made in 1896, which was six years after the enactment of the law which consolidated the several school districts in Salt Lake City into one district. In part, the court stated:

In cities of the first and second class the public school system shall be maintained and controlled by the board of education of such cities. The board of education of such cities shall bear the expenses of, keep up, supply what is needed, maintain, and control the public school system therein, and such system of public schools shall be so maintained and controlled separate and apart from the counties in which said cities are located. The intention of the framers of this section was to . . . make it the duty of the board of education of such cities to support, bear the necessary expense of, maintain, and control the public school system therein separate and apart from the control and supervision of the board of county commissioners of the respective counties where such cities of the first and second class are located.<sup>12</sup>

The independence of the school board from county government was emphasized in the state court case of *Carbon County et*

<sup>11</sup>*Ibid.*

<sup>12</sup>46 Pacific, 1096.



al., v. Carbon High School District et al.<sup>13</sup> In this instance the court reviewed all the functions of government pertaining to general supervision of all "precincts, districts, and other subdivisions of the county," and declared that all of these units were required to conform to the law and "present their books and accounts for inspection." It further reviewed the law wherein the several counties through the appropriate officials are required to "receive and hold . . . subject to the orders of the county superintendent, all public moneys from whatever source received, and pay the same when apportioned to the district treasurers." Counsel for Carbon County commissioners argued that these county officials were responsible for expenditures of all money they collected, regardless of the unit of government to which the money was appropriated. The court made the clear distinction, however, between the county serving as a convenient agency to the school district in collecting tax revenue, and in the county assuming any supervisory control of the school district in expenditures. The court concluded:

Since a county has nothing to do with either funds or officers of a high school corporation nor any interest in its funds, such statutes do not confer on county commissioners authority to compel the officers of a high school district within the county to submit their books of account for audit and examination at the instance of such commissioners.<sup>14</sup>

The Utah court has recognized school and health board action in certain instances as being comparable to police power and as essential for the preservation of the general welfare. In 1900 one case came to the supreme court in which the school board and local board of health excluded a child from school because while under parental direction he refused acceptance of vaccination during a smallpox contagion. The court declared this requirement to be the prerogative of the boards as "part of the police power inherent within the state and one that cannot be surrendered." In writing the decision, the justice of the court further said:

I am constrained to uphold the order . . . that the board of education and Samuel Doxey, having charge of the school in question, were justified in excluding the respondent's daughter from the public school during the prevalence of the contagion and continuance of the emergency and danger from smallpox.<sup>15</sup>

*School district right of consolidation is derived from legislature.*  
—One important part of the history of education in Utah has cen-

<sup>13</sup>143 Pacific, 220.

<sup>14</sup>*ibid.*

<sup>15</sup>60 Pacific, 1017.

tered around the issue of consolidation of schools. During the first years following the initiation of any phase of school organization, small districts were established and in 1852 these were made legal. The task of consolidating the numerous small school units into larger ones required much educational leadership and effort on the part of many people. The insistence of some that the schools remain available to all children without transportation caused a number of notable court cases. One of the early instances of this kind was in 1889. The statutes of that time made provision for the county court to divide the county into school districts. Likewise, the county court was empowered to change the boundary lines between districts and to assess and collect taxes for the support of the schools. The county court extended the boundary of one school district some fifteen miles and thereby took into the district a portion of certain railroad property. The railroad made legal objection due to the fact that the intervening country was mountainous and declared that it was an intent to project the school district for the sole purpose of securing the schoolhouse. The court held that the county court was complying with its legal right and authorized the extension of the boundary line.<sup>16</sup>

In 1897 a case dealing with the right of consolidation came before the supreme court of the state. This instance was an appeal from the district court. The statutes granted to the county commissioners the right to alter school district boundary lines. Without the petition of residents or recommendation of the superintendent of schools one county commission changed the school district boundary lines. The lower court assumed such action was beyond the intent of the statutes, but the state court declared the petition of the residents and the recommendation of the superintendent was directive only and hence sustained the county officials in their action.<sup>17</sup>

A comparable case to the above was brought before the supreme court in 1913. Action was based upon the 1911 legislative act which provided that each county should constitute a high-school district or could be otherwise divided by requiring the superintendent of schools to make recommendation to the county commission within sixty days after the law was enacted. Specifically the statute stated that the county school official should make a declaration "as to whether or not, in his opinion, the county should be divided into two or more high school districts, then he shall recom-

<sup>16</sup>22 Pacific, 158.

<sup>17</sup>52 Pacific, 279.

mend to the board of county commissioners a plan of subdividing such county into high school districts." The law further provided for the county commissioners to set a date for a public hearing. This requirement was complied with. Specifically the issue was concerned with the provision as to the action of the county superintendent of schools. That is, was it a mandate or a directive for this school official to make the recommendation, and did the county commission have the legal right to divide the county into high school districts without his recommendations? The court ruled that the portion of the statute dealing with the recommendation of the superintendent was directory only, and further noted,

. . . . that if the statutes should be given the construction contended for by the plaintiff, the purpose of the statute—which is to enable the several counties not constituted high school districts to create and maintain two or more high school districts—would be defeated in every county in which the county school superintendent has for any reason omitted to make his report and recommendations to the board of county commissioners, as provided in section 2 of the act in question within 60 days after it went into effect.<sup>18</sup>

Somewhat comparable cases to those enumerated above have from time to time been in the courts. Generally, the courts have decided that much of the legislation is directive only. This gives the local boards of education greater freedom in the operation of the schools. The case of *Hales v. Board of Education of Jordan District et al.*, illustrates this point. The law in operation at that time, in part, is as follows:

Whenever a majority of the taxpayers of any voting precinct or precincts having a school population of not less than 1200, within any county school district of the first class shall petition the Board of Education for the establishment and maintenance of a high school within such precinct or precincts, the Board of Education shall establish within the territory embraced in such precinct or precincts, within one year thereafter, a standard high school; . . . provided, further, that no petition shall be considered from any precinct any part of which is within five miles of an established high school and that no such high school shall be located within twelve miles of any existing high school; and provided, further, that the provisions of this Act shall not be construed to prevent the establishment of high schools by Boards of Education independent of petition.<sup>19</sup>

In his analysis of this law, Justice Holland, who wrote the decision of the court, made it plain that the law did not restrict the power of the board of education, but did restrict the right of petition by and to a majority of the taxpayers. In amplification of this he said:

<sup>18</sup>133 Pacific, 128.

<sup>19</sup>18 Pacific, 2d899.

The statute has conferred plenary power on the defendant board of education to locate, build, and maintain high schools within school districts at any place which the board in its discretion may determine to be proper and advisable. . . . We are unable to see that section 4617X imposes any limitation with respect to the location of a high school within twelve miles of any other high school maintained by such board of education, where such school is located by the board of education within the exercise of its general powers. The purpose and intent of section 4617X is clearly not a limitation on the general powers of the board, but is rather a delegation of power to a majority of the taxpayers of any voting district or precinct having a school population of not less than 1,200, to, by petition, compel the establishment and maintenance of a high school within such district by the board of education.<sup>20</sup>

When the school districts of Salt Lake City were consolidated into a city system, court action was brought to determine the method of distribution of certain school property. The supreme court of the state held that the legislature had power to abolish or consolidate districts and to apportion the property, and further stated that the manner of apportionment was a legislative question which the court could not review.<sup>21</sup>

An interesting case tried by the supreme court of Utah was that of *Bishop v. Morehouse*. This influenced practice during many of the years when the small district was subsiding and in its place was emerging the larger consolidated pattern of county and semi-county district organizations of the state. This issue was before the court in 1910. Permissive legislation was given preceding that time, but this date antedated the compulsory consolidation legislative act by some five years. Schools were governed by the revised law of 1907, which provided that if a petition were signed by persons charged with the support of fifteen or more children of school age, the trustees could maintain a school. It also permitted these school officials to discontinue any school over which they had jurisdiction when the average daily attendance was less than eight for twenty consecutive days. The issue involved three schools in the western portion of Juab County, all within one district. The smallest school had three children in attendance, the second largest had nine, and the largest had about twelve. The trustees closed the two smallest schools and the case was a suit against these school officials demanding the opening of the second largest school. The plaintiff stressed the principle of equality of rights of all school-age children to attend school. The decision was written by Justice Frick and amplifies the court's interpretation of "equal rights" and also indicates the hesitation of the court in interfering with the

<sup>20</sup>*Ibid.*

<sup>21</sup>26 Pacific, 982.



operation of the schools by the trustees unless it is obvious that a clear neglect of duty or violation of law exists. The court stated:

The statutory requirement that the trustees 'shall arrange such terms as to accommodate and furnish school privilege equally and equitably to pupils of school age' cannot be given literal application. This provision was intended to apply to ordinary school districts, when conducted under normal conditions. . . . It is obvious that under such conditions absolute equality with respect to school facilities is an impossibility. Indeed, that ideal standard can only be approached under normal conditions. When the pupils can and do attend school, no doubt they must be given equal privileges in the school. . . . In this regard much must be left to the sound discretion and judgment of the trustees on whom the duty to regulate such matters is placed. Courts should not interfere by mandamus unless it is clear that they are arbitrarily, capriciously, or unjustly refusing to exercise the powers to the injury of a complainant. . . .

If . . . children are deprived of the advantages of education they may suffer irreparable injury, while their parents are denied the ordinary rights of taxpayers. To prevent such results, the law has wisely placed the arrangement for and the conduct of district schools in the hands of local officers who are on the ground, and who as a general rule, are both taxpayers and patrons of the school, and thus they usually possess both the opportunity and the inclination to do what is best for all concerned under the circumstances. While the control of these officers is not absolute, yet the courts should be slow in interfering with the management of the schools, lest long range interference might result in greater injustice than that which the courts are seeking to cure<sup>22</sup>

In one relatively recent case the supreme court of Utah has given a different interpretation of the right of a local administrative body in closing a school. This emerged when the board of education of Emery County closed and discontinued a school at Elmo in Emery County. Chief Justice Moffat wrote the court decision. He went into great detail in describing the statutory privileges and responsibilities in operating a school. The important portion of the decision is in the following words:

We have heretofore quoted the statutes that vested powers in the Board of Education of county school districts to 'change or discontinue' and shown that this provision or grant of power was later taken away. [It existed in the law preceding 1907.] There is no express power to abandon, disestablish or discontinue a school in a county school district. The blanket provision that it may do all things needful for the maintenance, prosperity and success of the schools and the promotion of education does not enlarge the powers specifically conferred.

It is a well established rule of construction that where a statute grants a power or right the powers not mentioned in the enumeration are intended to be excluded. . . .

<sup>22</sup>112 Pacific, 172.

The legislature has not amended the law to vest boards of education with the power to 'change and discontinue' but has expressly withdrawn such powers after power was once given. [Again reference is made to the law preceding 1907.] We find nothing in the statutes showing the legislature had the intention to vest in the boards of education or the successors of the boards of trustees the power vested in the old boards of trustees, i.e. to change or discontinue schools in county school districts.

A school is something more than a plot of ground, a site for a building, or both. A school is an operating institution for the welfare of the community it serves.<sup>23</sup>

Attempt is not made here to disagree, or even to analyze the wisdom of the above court decision. The case was decided, however, on a three to two decision. In a democracy we must assume that justice exists when the people of the commonwealth by majority decision determine what their rights and obligations shall be. Many such decisions concerning school organizations have been made in Illinois and Kansas and other states. The result is that the small districts exist in tens of thousands, but the wisdom of it must be questioned by the student of education in terms of the best possible educational offering for the children concerned. While the people in Utah were reluctant to surrender the small district and ungraded school under one teacher, the results of consolidation have proved the wisdom of discarding the extremely small school even though it is an institution that has become a part of community life.

*Directory versus mandatory legislation.*—It occasionally happens that a board of education is taken into the courts because someone makes legal accusation that the governing body of the school district has not literally complied with the letter of the law. In other words, there may be some detail within the statute that has been ignored. It must be remembered that boards of education are lay people, selected by the voters of the district which they represent to operate the schools. The constitution and statutes are the basic guides that must determine the action of the board. Generally, the courts have given liberal interpretation to the statutes and thereby sustained administrative procedure when the laws have been substantially obeyed.

This sustaining attitude of the courts to board-of-education action may be noted by the fact that on several occasions in the supreme court of Utah decision has been made in which such board action has been considered legal by the court, declaring portions of

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<sup>23</sup>Copied from MS on file at State School Office.

the law to be directory rather than mandatory. One such case came to the court during the early years of this century. The statute at that time stated that the state superintendent, the county superintendents, and the principals of the state normal school, or a majority of them, were to serve as a textbook commission for the county and semi-county district schools of Utah. Bids were publicly opened in conformity with the law and were accessible to all, but because of their voluminous nature were not read in complete detail. The court declared that there was substantial compliance with the statute and that the law was directory only, thereby sustaining the action of the committee.<sup>24</sup>

In 1920 the school board of Wayne County held a bond election "on the question of issuing bonds for the purpose of purchasing school sites, building schoolhouses, supplying them with furniture and apparatus, for improving the school grounds, and refunding outstanding indebtedness. . . ." The electors favored such a bond issue. Suit was entered against the board attempting to invalidate the election because more than one issue was voted at a time on a single ballot. In sustaining the action of the board the court decreed:

Under our Constitution and statutes the greatest care should be exercised in district school election proceedings held for the purpose of raising revenue through the medium of the issuance and sale of bonds of the district; but mere technical irregularities should not be permitted to interfere with the will of the qualified taxpayers of the district when clearly expressed as is shown by the proceedings in the present instance.<sup>25</sup>

A similar court case emerged over the action of the Cache County Board of Education at approximately the same time. The bond election was held for several items enumerated in the law by which a board may seek to sell bonds by and with the consent of the people. After quoting from the statute that gives bond election privileges, together with the items for which the money may be used, the court decreed:

When taken in its ordinary and general acceptance, [improvement] must be held to mean and include such improvements as 'additions' and 'improvements to existing buildings' upon such school grounds. . . . The phrase 'for improving the grounds' . . . necessarily has a comprehensive meaning, and, if the expression is to be given effect at all, it must be held to include all those objects or purposes which tend to make a school ground fit and serviceable for the proper care and housing of school children and the conducting of the school work. It would indeed be a senseless thing to say that the district may

<sup>24</sup>70 Pacific, 984.

<sup>25</sup>194 Pacific, 661.

bond for new buildings or new additions, but may not, under the statute, bond for the improvement of existing buildings so that they may become more convenient and serviceable when the same may be done, as is often times the case, at a very nominal expenditure as compared with the cost of building new structures. . . .

It is therefore ordered that plaintiff's application for a writ of prohibition be, and the same is hereby denied.<sup>20</sup>

Another illustration in which the court of Utah has sustained board of education action when the law has been essentially complied with is that of failure on the part of the governing school body to comply with the general election laws in the hours of time which the voters may vote. The case of *Van Orden v. Board of Education of Cache County School District* had its original proceeding in the supreme court. The general election laws decree that at all elections the polls shall be opened from 7:00 a.m. to 7:00 p.m. The board of education of Cache County called an election asking the voters for authorization to sell bonds in the sum of \$400,000. Notice was given that the polls would be open from 1:00 p.m. to 7:00 p.m. In the court decision declaration was made that those hours referred to general elections and said that the statutes would impose "upon the board the duty of exercising a sound and reasonable discretion as to what hours the polls shall remain open in order to best subserve the interests and convenience of the qualified voters within the district." The court further declared, "We are not prepared to say, at least in the absence of some showing to the contrary, that the hours fixed in the notice, from 1 o'clock p.m. to 7 p.m. were not reasonable and best suited to subserve the interests and accommodate the voters of the district."<sup>21</sup>

The liability of individual members of a board of education for failure or partial failure to comply strictly with the law in all of their administrative duties, presents a problem of some magnitude to those who hold these directory offices. Needless to say, boards must comply as nearly as possible to statutory and constitutional edicts. The personnel, however, are lay people, often unacquainted with the law, but at the same time charged with the responsibility of providing and operating the schools, which involves the handling of much public money, buying school supplies and materials, hiring teachers and other employees, and occasionally constructing a school building. The attitude of the court toward holding the board members as individuals responsible for compliance with good business practice, as well as conforming to the detail of the law,

<sup>20</sup>191 Pacific, 233.

<sup>21</sup>191 Pacific, 232.



may be noted in the case of *New York Blower Co. v. Carbon High School et al.*

The plaintiff delivered to the contractor certain materials having a value of \$767 which were used in the construction of a school building. The law exacts a bond of the contractor. The court declared that the law in Utah does not explicitly state the board's responsibility in demanding the bond, and hence failure to do so did not make the members liable. Specifically the justice said, "If the Legislature had intended to impose a personal liability upon the defendants for failure to require the contractor to execute the bond mentioned in the statute, it would have been an easy matter to have indicated that in apt language."<sup>28</sup>

#### BOARD-OF-EDUCATION ACTION MUST CONFORM TO LAW

*Administrative body may not exceed statutes.*—While the courts of Utah have been liberal in decisions and have recognized the fact that boards of education are lay individuals of the school district, elected by the people to provide education for the general welfare of the group, inference should not be made that reasonable limitations curtailing administrative procedure do not exist. The courts have repeatedly stated that school boards may not exceed the intent of the statute. Moreover, they have made it plain that "the court will not review the action of . . . a board to substitute its judgment for that of the board as to matters within its discretion."<sup>29</sup> Clear distinction should be made between a board of education acting in violation of law and acting for the welfare of the schools, although the act may not conform to, or be an authorization of a specific grant of any existing law. The court has declared, "An action may be maintained by a taxpayer to enjoin and restrain the school authorities from acting beyond the scope of their powers or in violation of law where the remedy by law is inadequate."<sup>30</sup>

*Boards of education must be specific and exact in acts dealing with school matters.*—In the case of *Kelly v. Board of Education of Millard County*, suit was filed by one James A. Kelly to prohibit the county school board from issuing and selling bonds to pay an illegal debt formerly acquired by one of the smaller school districts preceding the time of consolidation. The court reasoned that the debt was beyond the legal limitation of the school district at the time it accrued, that it was therefore illegal and hence no debt at

<sup>28</sup>167 Pacific, 670-71.

<sup>29</sup>16 Pacific, 2d 900.

<sup>30</sup>*ibid.*

all. In amplification of this, Justice Thurman, who wrote the decision, stated:

In our view of the Constitution . . . the purpose for which the debt was created or obligation incurred is in no sense a controlling factor. The primary question is: Was the indebtedness a binding obligation upon the district creating it: Could the district itself before consolidation have been forced to pay the obligation as against a defense interposed that it was in excess of the debt limit provided by the Constitution? If the district itself could not have been compelled to pay for the reasons stated it must be because it was not a binding obligation, and therefore, in contemplation of law, was no debt at all. If it was no debt at all, it clearly does not come within the meaning of the term 'indebtedness' as used in the excerpt last above quoted.<sup>31</sup>

The supreme court of Utah has been insistent that boards of education follow in detail their legal rights in debt limitation and in appropriate and exact use of school revenue. From an early date boards have been limited to a fractional part of the assessed valuation of the school district. At different times an issue has arisen concerning the current assets of a school district. The existing sinking fund, a levy that may be placed by a board of education for any specific year, and other obligations do much to determine the amount of bonded indebtedness a board can assume. These several issues emerged in the case of *Cutler v. Board of Education of Beaver County District*.<sup>32</sup> The case was an original proceeding in the supreme court of Utah and was initiated by a resident taxpayer of Beaver County with the intent of restraining the board of education of that district from selling bonds of the school district of a given amount upon the ground that the proposed indebtedness would exceed the statutory debt limit of the district. The court found the outstanding indebtedness to be \$330,350, and the taxable property of the district to have a valuation of \$7,833,274. There was at that time in the sinking fund available for reducing the indebtedness, \$26,231.92. The board of education placed a levy of 1.25 mills for that year (1920), with which it planned to reduce the indebtedness, and at a special election the qualified voters authorized a 5 mill levy, the revenue of which was to be applied to the school district debt. In his analysis of the issue the justice said,

It is then alleged in the plaintiff's petition that the defendant school board claims the right to deduct from the existing indebtedness of the district the said several amounts, including general levy of \$39,166.37 for school purposes, to enable the district to make sale of said \$76,000 of its bonds, without exceeding the legal debt limit.<sup>33</sup>

<sup>31</sup>191 Pacific, 1071-72.

<sup>32</sup>192 Pacific, 621.

<sup>33</sup>*Ibid.*

It was this deduction to which the court took exception, and made clear to all who administer school funds that expenditures must be made as the law intended. The court sustained the board in part and allowed certain deduction of the anticipated revenue with which it was obvious that the schools of the district must be operated throughout the year. In the analysis of this fact, Justice Corfman, who wrote the decision, stated:

The special levy of \$39,166.37 for general school purposes for the year 1920, claimed by defendant as an offset to the existing indebtedness of the district, however, presents much greater difficulties. While the levy has been legally made and the collection of the tax may be regarded as a certainty, it is difficult to conceive any theory upon which these taxes may be legally applied for the reduction of the bonded indebtedness complained of by petitioner. Presumably the district, if not already, will be during the year 1920, under contractual obligations to the amount of this tax for the proper support and maintenance of its public schools. . . . We do not think the application of this levy to the existing bonded indebtedness, nor the treating of this item as an offset in determining the legal debt limit of the district, would be in keeping with the spirit of our state Constitution and would be a direct violation of the purposes for which the fund was created and intended to be applied. In our judgment, this item claimed by defendant as an offset to the existing bonded indebtedness of the district should be, for the purpose of arriving at the debt limit of the district, excluded.<sup>84</sup>

The Utah court has held that boards of education must substantially comply with the requirements of the statutes in the publication of their financial statements. The case of *Crockett v. Board of Education of Carbon County*<sup>85</sup> has two significant phases to it that influence the administration of the schools in Utah. First, declaration was made by the court that a taxpayer and citizen is beneficially interested in a financial statement and can sue a board of education requiring it to comply with the law. Second, decision was made by the court that extreme generalities are not sufficient in the publication of a financial statement of a board of education. This instance was initiated in the district court and was appealed by the board of education to the supreme court of the state. The plaintiff requested legal compulsion against the board to publish in greater detail their statement of receipts and disbursements. The board urged that the plaintiff was without legal capacity to sue, not having any personal interest in the publication of the financial statement. The statute under which the plaintiff entered suit stated, a writ of mandamus "may be issued . . . to compel the performance of an act which the law specially enjoins as a duty re-

<sup>84</sup>*Id.*

<sup>85</sup>199 Pacific, 158.

sulting from an office, trust, or station."<sup>86</sup> The court made an analysis of the law and in part stated:

In the present case it is shown that the plaintiff is a citizen and resident taxpayer of Carbon county school district. As such, we are not prepared to say that within the meaning of our statute he is not a party beneficially interested in having a statement prepared and published in the manner in which the law expressly and clearly enjoins. True it is plaintiff seeks the performance of a duty that does not concern himself alone, but one that inures to the benefit of all citizens and taxpayers of the district alike; yet at the same time he himself as a citizen and taxpayer necessarily had sufficient interest and the right to maintain the action. . . .

It follows from what has been said that the plaintiff in this action had the legal right to sue. . . .<sup>87</sup>

The accusation was made that the board of education does not comply with the statute when mere generalities are published as the financial statement of the board. In analyzing the law the court declared that it was the intent of the statute to give benefit and interest to the taxpayers in order that they might be informed concerning the financial status of the school district. The court decreed that a general statement was not sufficiently specific to impart desirable information to the residents of the county. Specifically it said:

We think the statute is mandatory in its requirements and that its plain and positive provisions manifest its purposes so clearly that the contention made by the defendants that they have substantially complied with it must fail. . . .

The complaint clearly and specifically pointed out the particulars wherein the defendants in their official capacity failed to publish a statement of receipts and disbursements of the monies of Carbon County School district for the year ending June 30, 1920, in conformity with law. The statute invoked by the plaintiff was not, in the particulars pointed out in the complaint, substantially complied with.

It is therefore ordered that the judgment of the district court be, and the same is hereby affirmed. . . .<sup>88</sup>

A number of the school boards of Utah have been confronted with the problem of permitting or rejecting children who are not legal residents from attending school in a district other than the one in which they reside. It is obvious that this is an administrative problem that may at any time confront any district. In legal theory, while the schools are administered by a local board of education, they are none-the-less state schools. They derive much of their revenue from state sources and are operated to conform to

<sup>86</sup>*Ibid.*

<sup>87</sup>*Ibid.*

<sup>88</sup>*Ibid.*



the state constitution and the several statutes from which they receive their legal right for operation. A significant case dealing with the several problems appertaining to this issue went to the supreme court of Utah in 1936.<sup>39</sup> Certain children of Cache County registered, or attempted to register, as pupils of Logan City School District. The children were ordered by the board of education of Logan to withdraw from school until certain prescribed fees were paid. The parents of the children refused to allow them to withdraw from school and also refused, as individuals, to pay the fees. The court necessarily had to interpret the constitutional edict that the schools shall be open alike to all the children of the state. Interpretation of this was made as meaning that there must be no . . . law or rule which would separate or divide the children of the state into classes or groups and grant, allow, or provide one group or class educational privileges or advantages denied another. No child of school age, residing within the state, can be lawfully denied admission to the schools of the state because of race, color, location, religion, politics, or any other barrier which may be set up which would deny to such child equality of educational opportunities or facilities with all other children of the state.<sup>40</sup>

The court likewise made it clear that the statutes provided for local organizations into school districts for administrative purposes, and that as long as children within a given district had comparable opportunities the desirable equality was provided. The "right" to attend was given emphasis by the court. Needless to say, some children living remote distances, or under certain circumstances would not in an absolute sense have exactly the same privileges as would others under different circumstances. The court, however, recognized the practical necessity of operating the schools as conveniently as possible and declared that when this is done, all children have an equal right to education. This concept of equality of opportunity and the right of attendance, regardless of residence location, was further illustrated by the court in the following words:

In the orderly administration of the school system, to prevent overcrowding at some schools, to insure an adequate teaching faculty, rooms, seats, equipment, grounds for recreation, to protect health, and secure to all children the greatest possible amount of contact with, and personal attention from, the teachers, that their individual needs may be met (as well as convenience in attending school), districts are maintained, an even assignment of pupils within a district to particular schools is authorized and necessary. . . . Economy and efficiency in school operation and administration, as well as effectuating and making possible the harmonious development and growth of all school chil-

<sup>39</sup>77 Pacific. 348 ff.

<sup>40</sup>*Ibid.*

dren would be seriously impaired were students permitted to shift or change, at their own volition, from one school to another. . . .

Since each district is charged with the duty of providing adequate school facilities for the children resident in the district, in order that such children may not be deprived of school privileges by overcrowding of rooms, or too large attendance for the book or laboratory facilities, or imposing too many students on a teacher for efficient work, the district must have the privilege of barring non-resident students whose home district provides for them proper educational advantages. Should a school child desire to attend school in another district, he may do so by the consent of the proper officers of such district. They can determine whether they have room and other school facilities sufficient to receive additional students and can determine the cost to the district of receiving and caring for such pupils, and so prescribe the conditions upon which such non-resident children will be received.<sup>41</sup>

*Freedom to administer the school program.*—Throughout the years of history in Utah the schools have greatly expanded in their educational offerings to the children of the state. During the early years of the territory only a comparatively small per cent of those who were eligible actually attended school over a prolonged period of time. The schools were limited to the teachings of the most meager elements of an education. The expanded program of this century has not only come to include a wide educational offering in terms of subject matter, but has provided an extended array of activities that have educational and social value. The Utah courts have recognized these student activities as a legitimate and desirable part of education. In one case in which a citizen taxpayer brought suit against the North Summit Board of Education, an attempt was made to restrain the board from providing transportation facilities for any and all activities other than those enumerated as a vital part of the course of study. The court herein declared that while the organized activities of the student body were not a part of the course of study, nor were they required by statute as necessary to the educational program, yet "they are essentially a part of any efficient educational system."<sup>42</sup> Thereby the court recognized the right of boards of education to provide and permit activities that are extra-curricular in nature and not a basic part of the academic curriculum.

The state constitution and the statutes are the source of authority for the operation of the schools. They prescribe what a local school board may and may not do in administering the total program of education. Within this complex activity, however, many diversified problems arise; hence the courts are called upon

<sup>41</sup>*Ibid.*

<sup>42</sup>16 Pacific, 2d 900.

from time to time to give interpretation to the acts of the legislature that direct school administration both in the state as a whole and within specific districts. These court interpretations have done much to prescribe policies of procedure in giving direction to the education of the people of Utah.

## CHAPTER XVIII

### AUXILIARIES OF THE PUBLIC SCHOOLS

#### KINDERGARTENS

*The background of the kindergarten movement.*—At the time the founders of Utah were migrating across the state of Missouri and into Illinois, the first permanent European kindergartens were in the process of being established. For nearly twenty years before these first kindergarten institutions were initiated (1840), Froebel, the founder of the plan, had been studying and working toward the organization of child groups for their physical, social, and mental well being. The teachings of this noted educational leader attracted many students from Germany and other nations; and it was a German woman, Mrs. Carl Shurtz, who opened the first kindergarten in America in 1855 at Watertown, Wisconsin. Later, the movement spread to Ohio and Kentucky, and in 1860, Elizabeth Palmer started what is considered to be the first English kindergarten in this country. Miss Palmer's school was at Boston, Massachusetts. In 1873, Dr. William T. Harris, superintendent of schools in St. Louis, initiated the first kindergarten in this country that was a part of the public schools.

The growth of kindergartens in the United States is not unlike the development of the public school system. In the first stages these schools for little children were maintained by charity. Some philanthropic individual, betterment society, or church organization, would become interested in the movement and assist in the establishment of a school. Progress and development of kindergartens was slow for many years, for contradictory opinions concerning the method of operation, teaching-learning principles, and child growth in general, tended to retard their inclusion in the public school system. Most of the findings from the experimentations in child growth that guide present-day procedure have been the product of comparatively recent years; therefore, at the time kindergartens were organized, little was known about the real nature of children. Such extensive studies of child growth as those of G. Stanley Hall, and the philosophy of education of John Dewey, advocating child growth through desirable activity, did not attain their greatest prominence until after the turn of the century.

*Early kindergarten growth in Utah.*—Kindergartens existed in



Utah during the years preceding statehood, although they were not considered a part of the regular school organization. As early as 1887 the *Deseret News* contained an announcement of kindergarten classes. It is evident that this class proposed to provide mature students an opportunity to study kindergarten methods and to observe young children in growth processes. Part of the notice stated that "in connection with the training class a model kindergarten class will also be formed of children from 3 to 10 years of age."<sup>1</sup> In the school report for the period ending June, 1895, the superintendent said:

Too much can not be said in commendation of the labor that has been performed by representative ladies of Salt Lake, Ogden, Provo, Logan, and in other cities and towns in the way of establishing kindergarten schools and in some instances maintaining them free from any charge of tuition against the parents of the children.

. . . . It now rests with the legislature to make the kindergarten the base of our free school system.<sup>2</sup>

In some of the larger communities, individuals urged boards of education to establish kindergartens. For example, on September 1, 1896, one lady appeared before the board of education in Provo and asked "concerning the possibility of establishing kindergartens." The board referred this to one of its committees and on September 8, the committee recommended that the request "be not granted."<sup>3</sup>

The constitution of the state of Utah, adopted in 1896, included kindergartens as a part of the public school system. In case the kindergartens were not a part of the "common schools," also specifically referred to in the constitution, then no provision was made for financing them at public expense. The constitution specifically states that "The common schools shall be free."<sup>4</sup> In his first school report the new state superintendent of public instruction, Dr. Park, discussed in detail the advisability of establishing kindergartens. He said:

There is a widespread sentiment existing in this and other countries in favor of making kindergarten instruction a part of the work of the public schools. Some of the supporters of the kindergarten movement are so enthusiastic that they do not hesitate in saying that all other instruction is comparatively valueless unless it is preceded by kindergarten training.<sup>5</sup>

<sup>1</sup>*Deseret Evening News*, Vol. XX, September 5, 1887.

<sup>2</sup>T. B. Lewis, *Territorial School Report*, 1894-95.

<sup>3</sup>*Minutes of the Provo City Board of Education*, September 1 and 8, 1896.

<sup>4</sup>*Constitution of the State of Utah*, Article X, sec. 1.

<sup>5</sup>John R. Park, *First Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1896*, p. 38.

In this same discussion of kindergartens, Dr. Park expressed his personal views and took an emphatically negative attitude toward making the kindergartens a part of the public school system in Utah under prevailing conditions. He listed six reasons justifying his conclusion: First, he said the kindergarten was a valuable adjunct to the schools in cities which possessed a slum population, but that no evidence existed supporting the claim that they had value in cities with a total population of less than 10,000. Second, Park asserted that the public schools of Utah should be extended until the common schools (exclusive of the kindergartens) were placed on a more efficient basis. Third, he said those states which had adopted kindergartens had no evidence that this adjunct had any material benefit to the child and his general educational well being. Fourth, Park recognized the fact that no clear philosophy had developed to provide a worthwhile objective for kindergarten education, and that because of this, he expressed an opinion that it would be some time before capable teachers would be available. As a fifth reason, Park said that the most eminent educators and psychologists were beginning to doubt the efficacy of kindergarten schools. And last, he said no far-seeing public policy should give support to any program that could not be clearly justified in terms of benefit received for the cost of the program in effort and money.<sup>6</sup>

Evidently some of Utah's people were interested in the establishment of kindergartens, for regardless of Dr. Park's admonitions, the movement did begin while he was a prominent leader in education in Utah. In 1896 city boards of education were given "power and authority to . . . locate and maintain kindergarten schools. . . ." In 1897 the legislature amended the school law, thus making it possible for boards of education to "establish and maintain kindergartens in their several districts, open to children residents therein between the ages of four and six years," and to pay the costs in "whole or in part out of the school funds of the district."<sup>7</sup> The boards were required to give general administration to the kindergartens as part of the public school system. Teachers who were employed who did not hold "a certificate of efficiency in kindergarten work" granted by the normal school, were required to pass an examination "relating to the principles and practices of the kindergarten" given under the supervision of the state board of education.<sup>8</sup>

<sup>6</sup>*Ibid.*, p. 39.

<sup>7</sup>*Laws of Utah*, 1896, ch. 130, sec. 128.

<sup>8</sup>*Laws of Utah*, 1897, ch. 15, sec. 1.

<sup>9</sup>*Ibid.*

Dr. James E. Talmage, at that time president of the University of Utah, said in his report for the year 1896, that it was necessary for the normal school of the university to be provided with a "well equipped Kindergarten department" made "necessary by the growing importance of this part of the teacher's labor."<sup>10</sup> The university report for the years 1897-98 stated that the department of training kindergarten teachers was then in its second year of operation, and that it was "in excellent condition, (and) the attendance this year has more than doubled that of last year."<sup>11</sup> Elsewhere in this same report it is stated that the normal school comprised three courses, one of which was a "four years' kindergarten course" for which a certificate was given. He also stated that a kindergarten school existed in connection with the normal school.<sup>12</sup> Dr. Park's school report ending in 1898 lists the course of study of kindergarten teacher trainees. In the second year of her course the student studies "child study and observation in kindergarten," and during the third and fourth years when the student is pursuing a certificate for kindergarten teaching, she takes as a part of her course "kindergarten practice" and "kindergarten theory."<sup>13</sup>

In the report of 1900 McVicker recognized the problem then emerging because of the growing interest in the establishment of kindergartens. The normal school was training teachers, but the state had no provision for giving school districts financial aid for children of kindergarten age. Superintendent McVicker said:

At present there is no provision whereby children under six years of age can draw public money in the apportionment to the schools. This should be remedied by lowering the school age to five years and requiring the first two years of school life to be spent in the kindergarten. . . . With our State training school for kindergartens conducted on the most enlightened and approved plan, it is now time to look forward to supplying the demand for kindergarteners and primary teachers from our own State institutions. And our young women should be encouraged to take this training with the hope of finding employment after their four years of preparation.<sup>14</sup>

Accurate and detailed reports of kindergarten growth in the years immediately following 1900 are not available. We are led to believe, however, from the reports of the university and the normal school (including the kindergarten experience which was

<sup>10</sup>James E. Talmage, *Report of the Board of Regents and the President of the University of Utah, for the Year 1896*, p. 24.

<sup>11</sup>Joseph T. Kingsbury, *Report of the Board of Regents and the President of the University of Utah, for the Years 1897-98*, p. 21.

<sup>12</sup>*Ibid.*, p. 16.

<sup>13</sup>John R. Park, *Second Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1898*, p. 83.

<sup>14</sup>Emma J. McVicker, *Third Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1900*, pp. 24-25.



provided as a part of that training), that kindergartens began to flourish at that time. Statutes were enacted that gave additional strength by providing legal status for school-district sponsorship. The 1902 school report describes the kindergarten training required for certification. There were two kinds of training: "The kindergarten course and also the Normal-Kindergarten course." The student teacher began this course "with the ninth grade work." The regular normal course also provided experience in training in the normal kindergarten. "In these . . . courses . . . , kindergarten work forms a part of the courses. In all three courses practical teaching in a kindergarten and in a training school is required." The report concludes with the statement: "Eminent educators of the United States and also of Canada pronounce the State Normal School of Utah in some of its work as among the best in the world."<sup>15</sup>

The growing popularity of the kindergarten movement at that time may further be noted by the fact that some school reports during the first years of this century contained written lectures of recognized students on this problem.<sup>16</sup> In spite of legislative authorization and the evidence contained in the several reports that many kindergartens were established, the kindergarten movement for the state as a whole emerged slowly. On January 30, 1905, the Salt Lake City Board of Education established a kindergarten held in the old Union School at Third West and First North streets. According to Superintendent D. H. Christensen, no "children under six years of age were admitted to the public schools . . . previous to this time."<sup>17</sup> The magnitude of the problem of providing kindergarten schools for about four thousand children, caused Superintendent Christensen to suggest:

In view of this fact it may become necessary to devise some scheme of rotation whereby several sections of children will be received in the same room for short sessions during each day, or else provide for different sections for a part of the year (say, only ten or twenty weeks), in which cases one set of teachers could care for an increased number of children.<sup>18</sup>

In the same biennial school report, Superintendent Wm. Al-  
lison of Ogden said:

An act passed by the legislature in 1902 contemplates the establishment of kindergartens in the schools of this state within four years from the date of the passage of the bill. We are preparing to take advantage of the enforce-

<sup>15</sup>A. C. Nelson, *Fourth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1902*, p. 38.

<sup>16</sup>*Ibid.*, pp. 370-378.

<sup>17</sup>A. C. Nelson, *Fifth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1904*, p. 52.

<sup>18</sup>*Ibid.*, p. 53.



ment of this act, and have employed graduates from several of the best kindergarten schools in the country as teachers in our beginners' grade. . . . The primary schools need the influence of the kindergartens; the kindergarten needs the influence of the primary school fully as much. It is to be hoped that by the time the law is ready to be put into operation, that the revenues of the city will permit the opening of enough kindergartens to offer every privilege to all children of kindergarten age in the city. The addition of the kindergarten to any school is a sure benefit to that school in every grade.<sup>19</sup>

As Utah began her consolidation program, statutory provisions were made for local boards of education to provide kindergartens. Thus the 1905 law states, "The Board of Education shall have the power and authority . . . to establish, locate, and maintain kindergarten schools."<sup>20</sup> This statute applied to county districts of the first class; and in 1915, operating under the same law controlling the rights and duties of the boards of education, all counties because of consolidation, became school districts of the first class.

Two laws currently existing on the statute books are significant in this report. One of these gives to the local boards of education the right to establish kindergartens for children between the ages of four and six years, and to pay—in whole or in part—for the operation of these schools from the regular funds of the school district.<sup>21</sup> The other law is intended to be mandatory for most of the districts. It specifically states:

In all school districts with a population of 2,000 and upward there shall hereafter be established and maintained one or more kindergartens, open to children between the ages of four and six years resident therein. The cost of maintaining such kindergartens shall come out of the district school fund of the district.<sup>22</sup>

This law has not been enforced, if it is interpreted to mean that the kindergarten shall be maintained for the same period of time as the regular schools. A number of the county school districts now operate kindergartens only during a short portion of the summer. Salt Lake City, Ogden, and Provo operate them during the regular school year, and as a part of the regular school system.

*Variations in interest and effort in kindergarten education.*—The extensive plans for training teachers for kindergarten work and the interest and effort of some enthusiasts failed to move the people and the local boards of education to an active effort in providing adequately for mass education of pre-first grade children during Utah's earlier educational history. Interest in kindergartens was

<sup>19</sup>*Ibid.*, pp. 64-65.

<sup>20</sup>*Laws of Utah*, 1905, ch. 107, sec. 21.

<sup>21</sup>*School Laws of Utah*, 1945, 75-20-1.

<sup>22</sup>*Ibid.*, 75-20-2.

wide-spread in Utah during the first years following 1900. Then the curve of effort began dropping to a plane where only Salt Lake City maintained regular kindergarten schools. But again during recent years a much more universal interest is clearly obvious. This latter growth is evidently one that will make kindergartens a permanent part of the regular school system in practically all of the school districts.

An analysis of a number of school reports provides evidence justifying the above conclusions. In one report to the state superintendent of public instruction dated December 15, 1908, the superintendent of Ogden schools said that during the year the number of kindergartens had increased from three to five.<sup>23</sup> In 1912 another report from Ogden said: "For many years Ogden has had several kindergartens and during the past few years kindergarten has been maintained in each school in the city for half day sessions."<sup>24</sup> At the close of the calendar year of 1910, the superintendent of Salt Lake City schools said, "The kindergarten has grown from 486 in 1908-1909 to 625 this year, an increase of 139."<sup>25</sup> The trend in enrollment of kindergarten children for the state as a whole in relation to those in the first and second grades from the school year of 1910-11 to and including 1919-20, may be noted from Table VII.<sup>26</sup>

TABLE VII

TRENDS IN KINDERGARTEN ENROLLMENT COMPARED TO  
FIRST AND SECOND GRADE ENROLLMENTS FOR  
THE STATE OF UTAH FROM 1910-1920

Year	Kindergarten	First Grade	Second Grade
1910-11	11164	12771	11033
1911-12	10318	13308	11659
1912-13	9590	13465	11976
1913-14	5984	15667	13405
1914-15	3836	15521	13792
1915-16	2236	16109	13726
1916-17	1740	15427	13402
1917-18	1411	15877	12933
1918-19	1397	16146	12841
1919-20	1859	18041	12265

<sup>23</sup>A. C. Nelson, *Seventh Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1908*, p. 276.

<sup>24</sup>A. C. Nelson *Ninth Report of the Superintendent of Public Instructions of the State of Utah, for the Biennial Period Ending June 30, 1912*, p. 242.

<sup>25</sup>A. C. Nelson, *Eighth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1910*, p. 308.

<sup>26</sup>L. J. Muir, *Thirteenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1920*, p. 20.

From a study of the above table the decrease in enrollment of kindergarten children from year to year is obvious. In the school year of 1910-11 with more than 11,000 children in the kindergartens, the enrollment was only 1,607 less than the enrollment of the first grades for that same year. The total enrollment of kindergarten children decreased each year until 1918-19, when the number of pre-first graders was less than 1,400. In contrast to the comparable enrollments of the two groups in 1910-11, there were 16,182 fewer children in the kindergarten than in the first grade in 1919-20.

The state school report shows that only the following school districts reported pre-first grade children enrolled in 1917-18. The number enrolled accompanies the district: Beaver, 7; Park City, 6; Piute, 15; San Juan, 18; Tintic, 35; Washington, 27; Wayne, 73; Salt Lake City, 926; Ogden, 304. This made a total of 1,411 children enrolled in all kindergartens for that year. The 1920-21 enrollment shows the following districts reporting kindergarten children: Piute, 10; Salt Lake City, 1,281; Ogden, 337; Murray, 44.<sup>27</sup>

By the middle of the 1920 decade another campaign was under way to reinstate the kindergartens in Utah. The following appeared in the fifteenth report for the biennium ending June 30, 1924:

The value of kindergarten training for children of four to six years of age has now passed beyond the experimental stage. Carefully compiled statistics show that children so trained are better prepared to do the work of the primary grades and to progress more rapidly through the elementary school than do those who enter school at six without such training. Thus the kindergarten justifies its existence from a purely economic viewpoint. But it has higher values than the mere saving of time and energy in giving children a command of fundamental skills and processes. Conducted by a trained teacher, a kindergarten in a community will prove a vital factor in Americanizing both pupils and parents through its democratic group work, mothers' meetings and vitalized social activities.

The kindergarten bridges the gap between the spontaneous freedom of early childhood and the more or less restricted activities of the classroom. It serves as the child's initiation into the formal learning situation. Through its rhythmic play exercises and games the child acquires physical co-ordinations and develops appreciation for right health habits. He learns to use his hands in making interesting things of wood, clay, and paper. Through songs, stories and poems he acquires the use of many words and learns to express himself in simple, correct English. The whole environment into which he is ushered, stimulates his ability to observe, to think and to reason, thus developing his intellect and building his character.

To be abreast of other progressive states, Utah should have more kindergartens. They should not be limited to the two larger cities as at present.

<sup>27</sup>C. N. Jensen, *Fourteenth Report of the Superintendent of Public Instruction of the State of Utah for the Biennial Period Ending June 30, 1922*, p. 89.



Every city and town having a sufficiently large number of children from four to six years of age should have one or more kindergartens in session for at least six weeks of each calendar year. These might be consistently carried on during the summer months when the regular schools are not in session. The expense would be small as compared with the educational and economic value to the children and to the community.<sup>28</sup>

The United States Office of Education prepared a report in the early part of the 1920 decade showing the relative standing of the several states in the percentage of children of kindergarten age actually enrolled in these schools. Utah had 8.3 per cent. In comparison, the top-ranking states were: California, with 32.9 per cent; New Jersey, 29.1 per cent; New York, 28 per cent; Michigan, 25.9 per cent, and Rhode Island, 25.4 per cent. In contrast, however, to these high percentages of enrollment, Idaho had .1 per cent; Arkansas and West Virginia each had .3 per cent; North Carolina had .6 per cent, and Mississippi and New Mexico each had .7 per cent.<sup>29</sup>

*Recent kindergarten expansions.*—The biennial report ending in 1926 contains another statement on the values of the kindergarten and indicates that considerable progress was being made at that time. In part, the report says:

At the beginning of the biennium Salt Lake City was the only district with kindergartens as a part of its school system. There are now several communities with them. Logan, Brigham City, Ephraim, Manti and Cedar City all conducted kindergartens during the summer months of 1926.<sup>30</sup> (Regular school-year kindergartens were not operated in Provo until 1938-39.)

In 1929 the Utah State Kindergarten-Primary Association gave five gifts of \$100 each to initiate kindergartens in several parts of the state. Summer kindergartens were held in fifteen school districts during that year. Some of these districts operated as many as six units, and most of them two or more.<sup>31</sup> The increased interest in kindergartens in Utah during the 1930 decade was part of a national interest. The national kindergarten association was active in attempting to secure federal aid to kindergartens over several years of time.

Evidence of the revived growth of the kindergarten movement in Utah is shown in the school report for the biennium ending in 1938:

<sup>28</sup>C. N. Jensen, *Fifteenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1924*, pp. 35-36.

<sup>29</sup>*Ibid.*, pp. 36-37.

<sup>30</sup>C. N. Jensen, *Sixteenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1926*, pp. 36-37.

<sup>31</sup>C. N. Jensen, *Eighteenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1930*, pp. 48-49.



A very gratifying observation is the fact that a large percentage of the local superintendents have made it possible to extend the school program downward to include some pre-school education in the form of kindergartens. It is true that in most cases this instruction has covered only a six-week summer term, but housing arrangements are being made in a few of our larger centers whereby this important part of childhood education will become a permanent addition to the regular school year. School officials should be aware of the fact that it was intended by the framers of the State Constitution that kindergartens be organized throughout the state.<sup>82</sup>

The development of kindergartens during recent years is substantial and evidently permanent. This pre-first grade unit of the school in several instances is now a part of the regular school system. Customarily, kindergarten children are in attendance only one-half of the school day; however, district boards of education are planning to make no distinction between kindergarten and any other year of school attendance. The particular socio-economy of any given time largely determines the amount of educational opportunity provided for children younger than six years. Most students of child development now agree concerning the importance of the early years of the child's life; and school superintendents are imparting this information to boards of education, who in turn are showing a keener interest in kindergartens as a part of the school program.

The shortage of space has done much to prevent the organization of adequate kindergartens during the regular school year, and the extreme dearth of properly trained teachers during both World War I and World War II has tended to thwart progress. During World War II, however, distinct progress has been made in the case of pre-first grade children. Many mothers are working in industry which has created a social problem that the federal government has attempted to meet with substantial appropriations to pay a large portion of the cost of children in nursery and kindergarten schools. The advantages of the currently existing nursery schools to the young child will add to the evidence already available providing the need of appropriate school experiences for these young children. The trend in Utah, as in the nation, is definitely in the direction of providing more opportunities for children before they enter the regular first grade.

#### LIBRARIES

*Background of library development.*—From the beginning of their history the founders of Utah were imbued with the ideals of

<sup>82</sup>Charles H. Skidmore, *Twenty-Second Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1938*, p. 27.

establishing libraries and providing books for the educational advancement of the people. Brigham Young, on behalf of himself and associates, extended an ardent admonition to the pioneers en route to the Great Basin in 1848 to bring to the Utah valleys all available books and other educational materials of value.<sup>33</sup> Shortly after civil government was instituted, the Legislative Assembly began requesting Congress to make appropriations that would increase the educational opportunities in the new territory. A representative was sent to Washington, and in the early part of 1851 the editor of the *Deseret News* announced with satisfaction, "that Congress has appropriated \$5,000 for the purchase of a library for our Territory."<sup>34</sup> While at the national capital, Dr. John M. Bernhisel was given authorization by the Utah leaders to select books for the library. Governor Young expressed his approval of this delegate's efforts when he addressed the Legislative Assembly and said:

It is proper to remark that the gift has been greatly enhanced by the choice selection, and assiduous labors of our fellow citizen and delegate to Congress, the Honorable John M. Bernhisel, in procuring voluntary contributions from various literary and scientific institutions throughout the United States, as well as the works of several distinguished authors, and miscellaneous contributions from publishers, editors &c; thus furnishing a library in the midst of the mountains, in the wilderness of deserts, of which the oldest and wealthiest State might well be proud.<sup>35</sup>

The great distance between the Great Basin and the book publishing firms of the East evidently did not thwart the pioneers' motives; and by ox-team where necessary, or by train or boat where available, books were transported to Great Salt Lake City for this territorial library. In 1851 the Legislative Assembly created the office of territorial librarian and William C. Staines was appointed to serve in that capacity. Describing the educational effect of this institution, one writer said, "The library became a great influence in creating a high standard of education in the early days."<sup>36</sup> Many of the first settlers of Utah organized themselves into associations (such as the Universal Scientific Society) for the purpose of mutual instruction. During the 1850 decade these organizations exerted a united effort to perpetuate and extend the library and its influence. A number of the settlements established a library at an early date to make these educational and recreational facilities

<sup>33</sup>Brigham Young, "General Epistle to Church Members," *Millennial Star*, No. 6, Vol. X, March 15, 1848.

<sup>34</sup>*Deseret News*, Vol. II, March 22, 1851.

<sup>35</sup>Brigham Young, "Governor's Message," *Journals of the Joint Session of the Legislative Assembly of the Territory of Utah* 1852.

<sup>36</sup>Levi Edgar Young, "Early Libraries in Utah," *Utah Educational Review*, Vol. XI, No. 9, May, 1918, pp. 17-19.

available to local residents. However, there existed an inability to support libraries on an extensive scale among these early Utah towns; hence the initial efforts were not progressively continued.

*The development of school libraries.*—In spite of the fact that the university regents in 1850 were given legal authorization to do all things needful "for the most liberal endowment of any library,"<sup>37</sup> libraries did not become a significant part of the educational program in Utah until after the small school district was eliminated. When school districts in cities of the first and second class were consolidated into one school unit in 1890, a board of education was created that was given power to administer and operate the schools. Among other things, the statute of that time specifically stated, "The board of education of said city shall have power and authority to . . . establish and support district libraries."<sup>38</sup> In 1892 this law was amended, substituting the word "school" for "district,"<sup>39</sup> and when the statute was written in 1896 organizing a state school system, the wording of city school organizations pertaining to school libraries was incorporated verbatim.<sup>40</sup>

As in other phases of the educational program, the small districts of the counties attempted to emulate the larger city organizations. In 1897 the school law was amended, and the newer statute provided that "The school district board . . . shall have power to establish and support school libraries."<sup>41</sup> The growth of school libraries was much more rapid following statehood. In the biennial report terminating in 1898, State Superintendent Park made a statement of the growth of libraries. He said:

In 1896 there were reported to the State Superintendent 35 school libraries, averaging 173 volumes in each; this year there are reported 101 libraries, with an average of 116 volumes each. In 1896 there were in all the libraries 6085 volumes, valued at \$5212; in 1898 there are 10,706 volumes, valued at \$7,520.30. Thus there are nearly three times as many libraries and twice as many volumes as there were in 1896. . . . A very commendable interest is awakening in the important matter of libraries.<sup>42</sup>

Two years later the state superintendent again referred to this expansion, declaring that "Nearly all the counties have school libraries."<sup>43</sup> By 1900 county libraries, composed of several school

<sup>37</sup>*Laws of the Territory of Utah*, 1850, sec. 4 of "An Ordinance Incorporating the University of the State of Deseret."

<sup>38</sup>*Laws of the Territory of Utah*, 1890, ch. 72, sec. 117.

<sup>39</sup>*Laws of the Territory of Utah*, 1892, ch. 80, sec. 112.

<sup>40</sup>*Laws of Utah*, 1896, ch. 130, sec. 128.

<sup>41</sup>*Laws of Utah*, 1897, ch. 6, secs. 1 and 4.

<sup>42</sup>John R. Park, *Second Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1898*, p. 31.

<sup>43</sup>Emma J. McVicker, *Third Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1900*, p. 29.



districts, were initiated;<sup>44</sup> but in spite of these efforts on the part of a few individuals, only a small sum of money was spent for library purposes. At the end of the century the state school head declared that only in three school districts had the trustees voted money for this purpose—the other districts had left this item of expense to “school entertainments given by teachers and pupils.”<sup>45</sup> In 1901, \$1,481.04 was spent for library books, and in 1902 this amount was increased to \$4,525.69. At that time the state superintendent urgently recommended that a “tax be levied each year by school trustees to provide an income with which to increase the library.”<sup>46</sup> During the early years of this century a state school library was maintained at the state superintendent’s office. The principal function of this library was to serve the teachers of the state. Superintendent Nelson declared that “For several months experts in a knowledge of juvenile literature have been preparing a list of books adapted to the needs and capacities of” children.<sup>47</sup> In 1907 the legislature passed a law that forcefully placed the problem of the school library before those responsible for the administration of the schools. District boards were given the right to levy “one per cent for the support of schools,” including the purchasing of textbooks; but if the levy were placed, then by mandate “½ of one mill of the herein authorized levy of one per cent shall be set aside annually for the purpose of purchasing and maintaining a Public School Library.”<sup>48</sup> In 1908 the superintendent declared that only part of the trustees of the school district availed themselves of the advantages provided by the library lists. By that time, however, the new legislation which had been enacted and which was the first great boon to school library expansion, was forcing wide interest in school districts. Of this legislative action and its effects, Superintendent Nelson reported as follows:

The last legislature passed a measure which provided that, outside the cities of the first and second class, a tax levy of one-half mill on the taxable property in each district must be made annually for the purpose of purchasing and maintaining a public school library. The fund thus secured is to be expended under the direction of the State Board of Education for library purposes, under such rules and regulations as it may prescribe. . . . It is believed . . . that the measure passed by the last legislature relating to this phase of school work will result in improving the schools to a marked degree.<sup>49</sup>

<sup>44</sup>*Ibid.*

<sup>45</sup>*Ibid.*

<sup>46</sup>A. C. Nelson, *Fourth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1902*, p. 18.

<sup>47</sup>A. C. Nelson, *Fifth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1904*, p. 24.

<sup>48</sup>*Laws of Utah, 1907*, ch. 102, sec. 1.

<sup>49</sup>A. C. Nelson, *Seventh Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1908*, p. 32.



This law was amended in 1909 so that boards of education outside of cities of the first and second class and counties of the first class were required to set aside annually fifteen cents per child for all children between six and eighteen years of age and to spend this money under the supervision of the state board of education.<sup>50</sup> In his report for the biennium ending in 1910, Superintendent Nelson, speaking of the school library legislation and the results thereof, said:

The schools, therefore, have not only the advantage of a library tax, but they also have the advantage of the assistance of capable and efficient educators in the selection of suitable library books. Thus it has become possible for the children of the remotest districts to have as good books as do the children of the more populous cities of the state.

During the last two years approximately 16,000 volumes have been added to the public school libraries at a cost of \$8,038.04.<sup>51</sup>

In 1914 Superintendent Matheson referred to this statute that required boards of education to set aside fifteen cents per school child for school libraries and said this was "a wise provision of law."<sup>52</sup>

*Cooperation between school and public libraries.*—A renewed interest was emerging in public libraries simultaneously with the growth in school libraries. The library and gymnasium commission was created by statute, and under the direction of this body a substantial enlargement of existing libraries, as well as the creation of new ones, was made. During many years of Utah's educational history it was the legal responsibility of the state board of education to promote both public and school libraries.<sup>53</sup> Under this plan substantial expansions in both areas were made. A number of Andrew Carnegie gifts were accepted in the state, increased money was expended for books and magazines, additional librarians were trained, an expert library organizer was employed, and book circulations—both in school and public libraries—were greatly increased.<sup>54</sup> Portions of the library law were repealed in 1919, but by that time libraries were well established in the schools.

Consolidation of the small districts contributed to the expansion of school libraries. As formerly stated, city boards of educa-

<sup>50</sup>*Laws of Utah*, 1909, ch. 44.

<sup>51</sup>A. C. Nelson, *Eighth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1910*, p. 37.

<sup>52</sup>A. C. Matheson, *Tenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1914*, p. 15.

<sup>53</sup>A. C. Nelson, *Ninth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1912*, p. 35.

<sup>54</sup>*Ibid.*, pp. 36-38.

tion were given the right to establish libraries from the time of consolidation in 1890. In 1905 provision was made by the legislature for consolidation of counties of the first class. In such county school organizations the act stipulated that "the board of education shall have the power and authority . . . to establish and support school libraries."<sup>85</sup>

In spite of the permissive laws to city school districts during the years preceding the turn of the century, and the law of 1905 for counties of the first class, libraries did not make substantial growth until the acts of 1907 and 1909 (referred to above) were passed. Moreover, it required extensive effort on the part of certain educational leaders to convince the state board of education of the existing need for libraries. For example, an examination of the minutes of the board throughout the years of 1907 and 1908 indicates that such men as Howard R. Driggs repeatedly attended board meetings in the interest of extending school libraries. This enthusiasm and ability of Driggs later caused the state school officials to appoint him to select library books. On January 4, 1908, he submitted a list of books for school libraries, and on January 25 of that same year, the board adopted the books he recommended.<sup>86</sup>

By 1914 the development of public libraries was one of the major items of interest for the state superintendent of public instruction. At that time he wrote an extensive report of the progress made in establishing libraries and in expanding those formerly in operation. For the biennium of which he was writing, Gowans said: "To have seen almost every established public library in a great state multiply its services to the people, in some instances many times within two years, has been a delightful experience . . ."<sup>87</sup> Continuing he said: "In these two years the whole state has been visited so far as it has library interests and parts of it several times."<sup>88</sup> Gowans was particularly interested in planning for a cooperative procedure between the school libraries and public libraries. Emphasizing this, he said:

Wherever there is a public library, we are advocating that these books and any school funds for books be turned over to it, then it is urged that a school census be taken by grade and that sufficient books be provided to distribute to each teacher as many as she has pupils and suited to their grade, the books to be returned to the public library for summer vacation use. The library thus increases its services to children many-fold, for no librarian or

<sup>85</sup>*Laws of Utah*, 1905, ch. 107, sec. 21.

<sup>86</sup>*Minutes of the State Board of Education*, January, 1908, pp. 150-2.

<sup>87</sup>E. G. Gowans, *Eleventh Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1916*, p. 145.

<sup>88</sup>*Ibid.*

group of children's librarians can possibly do for the children of a whole community what the teacher can do for her group of thirty to forty children of the same grade with whom she works every day. The county school boards and the superintendents over the state are cooperating in this movement, which, when fully accomplished, will mean that the children now in the public schools will be a generation of readers.<sup>60</sup>

For the biennium ending in 1918, Superintendent Gowans again wrote in detail of the continued expansion of libraries. He said, "contrary to all expectation on account of war conditions, that this period has surpassed any previous biennial in accomplishment."<sup>60</sup> He further declared that there were in the state at that time thirty-six towns with tax-supported libraries, eleven of which had been established during the preceding two years.<sup>61</sup>

The state school superintendent and his aids spent considerable time in planning and directing library institutes for the training of librarians and the general edification of school officials and others who were interested in this phase of education. In 1918 "ninety librarians and trustees representing twenty-five libraries of twenty-three towns were in attendance at the meetings."<sup>62</sup>

By 1920 there were forty-six Utah towns with tax-supported libraries, twenty of which were in Carnegie buildings.<sup>63</sup> State superintendent Muir and his library director were strongly of the opinion that county consolidation of schools led the way for county libraries, provided by the county library law of 1919. This, he said, was the greatest accomplishment "since the library movement started in the state."<sup>64</sup> Describing specifically the cooperative plan between the schools and the public libraries, the 1920 school report states:

Elementary classroom libraries have now so secure a foundation through the cooperation of district superintendents and the public libraries that there is no doubt of their permanent continuance. The county library system also is proving a great stimulus and assuring a double safeguard to what already has been done. The classroom library increases the value of the public school system of Utah and gives the teacher the privilege also of being librarian.<sup>65</sup>

In spite of the reports of progress depicted by many school reports, there is also substantial evidence that high-school libraries were meagerly equipped with books and other desirable supplies. In 1919 Poulson wrote a thesis as a partial requirement for the

<sup>60</sup>*Ibid.*, pp. 45-46.

<sup>60</sup>E. G. Gowans, *Twelfth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1918*, p. 95.

<sup>61</sup>*Ibid.*

<sup>62</sup>*Ibid.*, p. 97.

<sup>63</sup>L. J. Muir, *Thirteenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1920*, p. 53.

<sup>64</sup>*Ibid.*, p. 54.

<sup>65</sup>*Ibid.*, p. 55.

Master's Degree at the University of Utah, in which he analyzed the "conditions and needs of secondary school libraries in Utah."<sup>66</sup> He studied seventy-five public and twelve private high school libraries. While forty of these schools had an enrollment of less than one hundred pupils, indicating a majority of relatively small schools, he did state with some emphasis that generally these libraries were poorly planned architecturally, and inadequately provided with books and other desirable equipment conducive to a good educational program. Only six of the total number had full-time librarians.

The growth of libraries, and particularly school libraries, for the past quarter of a century has been substantial. Of the public libraries in 1926, the state school report says:

There are fifty tax-supported libraries in the state. Eleven of them are county libraries. Four counties only, are without tax-supported libraries; but two of these, Millard and Piute, have recently organized voluntary libraries which bid fair to become tax-supported in the near future. The two others, Daggett and Rich, are each too small, probably, to support libraries.<sup>67</sup>

*Recent Library Expansion.*—A rather complete survey of the Utah public libraries was made for the calendar year ending December 31, 1943, by Antone K. Romney for the state board of education. For that year these libraries (seventy-two in number) received a total of \$357,402.47 for maintenance and operation. Of this amount, \$275,516.47 came from tax revenue. For the same year the total expenditures were \$290,509.38. Salaries was the largest item of cost, amounting to \$162,170.49. There was a total of \$60,743.45 spent for books and periodicals. There were at that time 676,939 volumes in the public libraries, providing a per capita circulation of 4.7, and a total circulation of 2,013,657 books during the year.<sup>68</sup>

In 1940 the state school board used its legal authority and apportioned some of the Uniform School Fund to investigate the status of school libraries. Likewise, the board appropriated revenue from this source to those districts in need of library expansion. Other means of stimulating library development have been provided by state educational leadership. The biennial report ending in 1944 contains the following statement concerning the status of libraries:

<sup>66</sup>Martin Wilford Poulson, "Conditions and Needs of Secondary School Libraries in Utah," 1919. Master's Thesis, on file at Library of the University of Utah.

<sup>67</sup>C. N. Jensen, *Sixteenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1926*, p. 97.

<sup>68</sup>Antone K. Romney, "Annual Report of Public Libraries of Utah for the Year Ending December 31, 1943" Unpublished report on file at the State School Office, Salt Lake City.



A survey of sixty Utah high schools for 1943-44 including the enrollment of 29,290 high school students indicates that we have forty-seven trained high school librarians in the high schools of the State. . . . We have many trained librarians in elementary schools and in junior high schools of the State. The average amount of money spent this year in the high schools for library books and magazines is \$526.03. Fifty-six of the high school libraries have card catalogs and are using the Dewey Decimal System of classification. The high schools of the State are providing an average of thirty-one periodicals per school.<sup>69</sup>

In an additional report for 1943-44, Mr. Romney declared the total salaries paid to librarians for that school year was \$136,572.10. Of the amount spent for operating libraries for the year, \$37,620.25 was spent for new library books, and \$14,628.49 for magazines.<sup>70</sup>

### SCHOOL FOR THE DEAF, DUMB, AND BLIND

*Early development of the school for deaf.*—The enabling act that initiated the "school for the deaf and dumb" was passed by the territorial Legislative Assembly in 1884. This institution was made a department of the university and remained so until 1896, when Utah was admitted to the Union. A land grant of 100,000 acres was made to the school when it was reorganized and moved to Ogden on the former location of the territorial reform school. In its early years the school was operated as a boarding school, the expenses of the pupils being paid by the several counties.

An account of the school written in 1902 stated:

The establishment of the school was due to the efforts of Mr. Wm. Wood and Mr. John Beck, of Salt Lake City, both of whom were parents of deaf children. A daughter of Mr. Wood . . . was the first pupil enrolled, August 26, 1884. Since that time two hundred six deaf children have received the benefits offered by the institution. Of this number eighteen have been graduated and have been awarded diplomas.<sup>71</sup>

The separation of this school from the university undoubtedly proved to be an advantage to both institutions. The university board of regents' report for 1896 states:

During the year, the Utah School for the Deaf, Dumb, and Blind has been separated from the University by operation of law. The association of these two institutions has always appeared incongruous, and the results have been decidedly unsatisfactory. The separation has already proved of great advantage to both. All movable property belonging to the School for the Deaf, Dumb, and Blind has been turned over to the Board of the School.<sup>72</sup>

<sup>69</sup>Charles H. Skidmore, *Twenty-Fifth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1944*, p. 87.

<sup>70</sup>Romney, *op. cit.*

<sup>71</sup>A. C. Nelson, *Fourth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1902*, p. 134.

<sup>72</sup>James E. Talmage, *Report of the Board of Regents and the President of the University of Utah for the Year Ending 1896*.

In the first reorganized school a governing board of five trustees was entrusted with the administration (at present this school is under the administration of the state board of education, hence the number on the board has changed by statutory enactment),<sup>73</sup> and from an early date officials reported that "the buildings are large, handsome brick and stone structures, well ventilated, heated and lighted, and adapted to the needs of" the pupils.<sup>74</sup>

Emphasis was made in the several reports that the school was not an asylum, but an educational institution where the pupils could obtain the education needed to make them "become self-supporting and valuable citizens of the State."<sup>75</sup> While the course of study included reading, language, writing, arithmetic, grammar, geography, history, physiology, composition, civics and physics, claim was made that the "object of the school is to provide a practical education to all children of the State who are too deaf or too dumb to be taught in the public schools."<sup>76</sup> To attain this, the school was equipped with shops: Carpentering, cabinet-making, printing, shoe-making, barbering, blacksmithing, farming and horticulture. Training was provided for all girls in domestic science and domestic art. One building was devoted exclusively to this phase of the school curriculum. Attempt was made to have pupils either pursue training courses long enough to become self-supporting, or to "enter the national college for the deaf at Washington."<sup>77</sup> A department of "physical culture" was likewise maintained at the school at an early date and claim was made that much was done for the physical health and recreation of the pupils.<sup>78</sup>

A backward glance over the school's early achievements and status may be seen in a report written in 1908:

The educational standard and character of the institution is higher than it has been at any previous time. The school ranks among the best, and its work compares favorably with that of the foremost schools of its kind in the United States. . . . Our graduates and ex-pupils are numbered among the very best citizens of the communities in which they reside.<sup>79</sup>

*School for the Blind.*—The legislative Assembly passed an act in 1894 that created the school for the blind, but it was not

<sup>73</sup>*School Laws of the State of Utah*, 1945, 85--3-4.

<sup>74</sup>Nelson, *op. cit.*, p. 135.

<sup>75</sup>*Ibid.*

<sup>76</sup>*Ibid.*, p. 137.

<sup>77</sup>Emma J. McVicker, *Third Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1900*, p. 94.

<sup>78</sup>A. C. Nelson, *Fifth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1904*, p. 289.

<sup>79</sup>A. C. Nelson, *Seventh Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1908*, p. 247.

until September, 1896, that it was open to receive pupils.<sup>80</sup> This school is operated with the school for the deaf. It is administered by the same superintendent and the same board of trustees. During the first twelve years of its operation it enrolled fifty-three pupils; "eleven of these remained to complete the grammar grades."<sup>81</sup> By the seventeenth year of the school's history, it had enrolled seventy-seven pupils.<sup>82</sup> The age range is from young children to adults of thirty or slightly more. The grade range is from the first through high school. Most of the common branches of the curriculum are offered. It is purported that "the educational work of this school is of a high standard. . . . The blind pupils are studious and obedient and are devoted to their school and its work. They are very proficient in the study of music and . . . physical education."<sup>83</sup> As in the case of the school for the deaf, the objective of this school is to train the students for a happy and useful life.

The following summary of the activities of the school for the deaf was written by the superintendent of that institution in 1936:

The course of study in the school for the deaf includes the regular studies of the public school system through high school. Special attention is given to the teaching of speech, lip-reading, rhythm, silent reading, domestic science, domestic art, typewriting, bookkeeping, printing, linotyping, carpentry, mechanical drawing, barbering, shoe-repairing, and physical education. In the school for the blind besides regular studies instruction is given in typewriting, music, physical education and handwork.

The states of Wyoming and Nevada send their deaf and blind children to the Utah school. The cost to these states is five hundred dollars per capita annually.

Among the young men and women who have graduated from the school for the deaf are teachers, chemists, surveyors, carpenters, printers, linotype operators, shoemakers, painters, dressmakers, housewives, farmers and laborers, all of whom are happy, independent and useful citizens. Ten are at present students at the Gallaudet College (National College for the deaf) at Washington, D. C.

Among the blind who have graduated we find teachers, musicians, merchants, attorneys, stenographers, piano tuners and many others who are profitably employed.<sup>84</sup>

So important is vocational training for the students of these

<sup>80</sup>A. C. Nelson, *Fourth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1902*, p. 137.

<sup>81</sup>Nelson, *op cit.*, p. 249.

<sup>82</sup>A. C. Nelson, *Eighth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1910*, p. 294.

<sup>83</sup>A. C. Nelson, *Ninth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1912*, p. 208.

<sup>84</sup>Charles H. Skidmore, *Twenty-First Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1936*, p. 110.

institutions that in 1943-44 a vocational department was established.<sup>85</sup>

*Industrial school.*—In 1897 boards of education in cities of the first and second class were authorized to maintain “parental schools” that were in reality reform or industrial schools. Any child between eight and fourteen years of age living within the city where the school was maintained who was,

. . . adjudged guilty of being a habitual truant, or of wandering about in the streets and public places of said city or cities without lawful employment or business, shall be committed to the parental school provided for the purpose for a term not extending beyond the age of fourteen years. . . .

Children under sixteen years of age who by reason of neglect, crime, drunkenness, or other vices of parents, or by reason of orphanage, are suffered to grow up without salutary parental control and education, or in circumstances encouraging them to lead idle and dissolute lives, may be committed to the proper ‘parental school’ for a term not extending beyond the age of sixteen years.<sup>86</sup>

The state industrial school was initiated some years earlier, however, and following statehood this institution, with an improved educational program, soon supplanted any so-called “parental” school maintained by the cities.

On March 6, 1888, the Legislative Assembly passed “An Act to establish a Territorial Reform School.”<sup>87</sup> This school began operation in 1889. Its location was the present site of the state school for the deaf and blind. When this latter institution was separated from the University of Utah in 1896, the industrial school was moved to its present location. During the first forty-seven years of the school’s history, 4,474 commitments were made. Of this number, 784 were girls.

Various reports of this institution emphasize the fact that society has tended to brand the enrollees as hardened criminals and have thereby made the task of adjustment extremely difficult upon their return into civilian life. The school has attempted to correct this public attitude for the welfare of these youthful citizens. Methods of dealing with those committed to the school have changed. This may be noted in the following notation:

The early program of reform practiced by this institution as by most others was too drastic and harsh. . . . Such a policy of administration is chargeable to the fact that these early efforts were in a new field with no

<sup>85</sup>Charles H. Skidmore, *Twenty-Fifth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1944*, p. 107.

<sup>86</sup>Laws of Utah, 1897, ch. 49, secs. 2-4.

<sup>87</sup>Laws of the Territory of Utah, 1888, ch. 61.



guiding pattern. Naturally we borrowed too much from the prison system of that day.

Our newer social philosophy views reform as an internal process. . . .<sup>88</sup>

The training provided in this custodial school is described appropriately in a 1916 report:

The Industrial School provides an opportunity for the boys to complete the ordinary work of the public school, and vocational training in the following lines: Carpentry, including cabinet work and general house building; iron work, including forging and machine work; agriculture, embracing general farming, and painting, concrete work, and road construction; engineering, which includes the extension of, and the maintenance and upkeep of our water system, sewer system, electric light and power system, heating plant, and general machine work, and automobile repairing.<sup>89</sup>

*State Training School for mentally retarded children.*—In early territorial days it was apparent to educational leaders that a small per cent of the children were unable to profit by the regular school instruction. However, the population was relatively sparse and the people were too poor to support education for all groups that were in need of general and special education. Before the turn of the century the state superintendent's reports contained recommendations for schools designed for children with subnormal intelligence. Some of the school district reports included similar suggestions. One such report is that of the biennium ending in 1902, which stated, "It is hoped that in the near future a school centrally located will be established for these unfortunate boys and girls."<sup>90</sup> The directors of the state school for the deaf and blind, likewise advised the founding of such a school. In his 1904 report the superintendent of this institution, Frank M. Driggs, said:

I cannot refrain from repeating the urgent need of a school for the feeble-minded youth of the State. There are a great many children in the State that range in feeble-mindedness from slightly below the normal child to the idiotic, imbecile and insane. Many of them are capable of much growth and development under proper instruction. The State should establish a school and home for them, where they may have the best environment, kindergarten methods, manual and physical training, as well as out-of-door work upon the farm and in the garden. . . .<sup>91</sup>

In 1906 Driggs again submitted a lengthy report indicating

<sup>88</sup>Charles H. Skidmore, *Twenty-first Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1936*, pp. 110-111.

<sup>89</sup>E. G. Gowans, *Eleventh Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1916*, p. 73.

<sup>90</sup>A. C. Nelson, *Fourth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1902*, p. 145.

<sup>91</sup>A. C. Nelson, *Fifth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1904*, p. 289.

what was achieved in other states as well as relating the facts of this problem in Utah. He said at that time that "there are within the State of Utah more than one hundred feeble-minded and mentally-deficient persons under twenty-one years of age." He declared that these, with adequate instruction, could become useful citizens. Again he recommended that the legislature establish a school and appropriate money to operate the same.<sup>92</sup>

Repeatedly this problem was brought to the attention of the people, and in 1915 the legislature passed an act providing for a special commission to investigate the status of feeble-minded individuals in the state and to make needed recommendations. The commission made its report to the legislative body in 1917, stating that a sampling survey had been made among 160,000 of the population and that 1,355 mentally defective persons were in this group, which made a likely total of 3,000 feeble-minded individuals for the state as a whole. The commission called the attention of the legislature to the seriousness of this number of people without opportunity for any worthwhile education or institutional protection except what was given in the home.

In the 1918 school report the state superintendent reiterated the findings of the commission and again strongly urged legislative action. Regardless of these many admonitions, Utah was extremely slow to provide a state school for the training and protection of feeble-minded children. For many years they were cared for in the state hospital; and while segregation was made from the mentally unwell, the state received severe criticism for attempting to care for these two groups of people with widely different problems in the same institution.

The state training school was ultimately created by legislative act in 1929<sup>93</sup> and began operation in October, 1931. Unlike other schools in Utah, this institution was not placed under the supervision of the state board of education. A non-partisan board was appointed to administer the school. Later this was changed and the directing power of the institution was placed with the State Welfare Department. The superintendent of the school serves as the executive of the board and has the direct responsibility of the management of this state school.

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<sup>92</sup>E. G. Gowans, *Twelfth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1918*, pp. 128-30.

<sup>93</sup>*Laws of Utah, 1929*, ch. 75.



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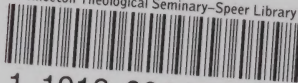








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